CITY OF CAPE TOWN
ISIXEKO SASEKAPA
STAD KAAPSTAD

Case ID 1500165683

Erven 2978 and 1495, 21 Midhurst Way, Constantia

Development Management

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Virgin Active Constantia

Erf 2978-RE (unregistered Erven 2980-RE, 2981, 2982-RE, 2984-RE & 2978-RE) and Erf 1495 Constantia

(Midhurst Avenue, Constantia)

APPLICATIONS FOR:
REZONING, SUBDIVISION, CONSOLIDATION, PERMANENT DEPARTURES AND AMENDMENT OF APPROVAL CONDITIONS

Submitted on behalf of:

Lease Holder:
Virgin Active South Africa (Pty) Ltd

With Power of Attorney by the Land Owner:
City of Cape Town

June 2026
Rev 1 – 8 September 2026
Rev 2 – 15 September 2026
Rev 3 – 15 October 2026

Submitted by:

LMV Cape

EXECUTIVE SUMMARY

APPLICATION DETAILS

The table below provides a summary of the application and site details:

Property & Application Details	
Property Description	Erven 2978-RE & 1495 Constantia
Registered Owners	City of Cape Town
Lease Holder	Virgin Active South Africa (Pty) Ltd
Applicant	LMV CAPE Town & Regional Planners (represented by Hennie du Plooy & Lourens Booysen)
Proposed Consolidated Site Area	7 930m²
Lease Area	7 930m²
Applicable Zoning Scheme	City of Cape Town Development Management Scheme (DMS)
Current Zoning	Utility Zoning (UT) and Transport Zoning 2 (TR2)
Overlay Zone	Scenic Route 13a (Category S1) influence area; Constantia arcadian Heritage Audit Area
Current Land Use	Existing Virgin Active Constantia Gym
Title Deed	T40265/1994 (registered 15 June 1993) & T37648/1990 (registered 29 June 1990)
Title Deed Restrictions	No
Proposed Development / Land Use	Proposed Additions and Alterations to the existing Virgin Active Constantia Gym
Application Components	• Rezoning, Section 42(a); • Subdivision, Section 42(d); • Consolidation, Section 42(f); • Permanent Departures, Section 42(b) • Amendment of Approval Conditions, Section 42(j)
Special / Conservation Area	Within the Constantia Arcadian Heritage Audit Area; no formal heritage protection
Subject to NEMA	No
Subject to SAHRA	No
Municipality	City of Cape Town
Administration District	Southern District (Subdistrict 2)
Policy compliant	Yes
Inside Urban Edge	Yes
Any unauthorised land use / building work	Yes - Administrative Penalty Application submitted (Case ID 1500163158)

Application is herewith made for the following:

- Rezoning of the consolidated land unit from Transport 2 and Utility to Community Zone 2 (CO2) in terms of Section 42(a) of the MPBL.
- Subdivision of the Remainder of Erf 2978, creating temporary Erf A (215m²) and Erf B (190m²), in terms of Section 42(d) of the MPBL.
- Consolidation of Remainder Erf 2978 and Erf 1495 Constantia into a single land unit in terms of Section 42(f) of the MPBL.
- Permanent departures in terms of Section 42(b) of the MPBL from the off-street parking standard, the disabled parking standard and the street and common boundary building lines prescribed by the Development Management Scheme.
- Amendment of condition 2.7 of the land use approval of the adjoining Erf 2983 (Constantia Pre-Primary School) in terms of Section 42(j) of the MPBL.

BACKGROUND

- The existing Virgin Active Constantia Gym is located on Erven 2978-RE & 1495 Constantia. The site is located within the Constantia Sports Centre precinct being owned by the City of Cape Town. The earliest Virgin Active gym building was constructed and in operation as a gym, estimated between 1971 and 1980 based on a formal lease agreement.

- Additions and alterations are envisaged as part of an intended refurbishment of the existing Virgin Active Constantia Gym. The proposal reinforces the recreational and landscape-led character of the Constantia Sports Precinct. It is proposed to increase the GLA of the facility from 4104m² to 4914m², an increase of 810m², a minor coverage increase from 44% to 45% and a floor factor increase from 0.52 to 0.62 and maximum height increase from 7m to 10,4m. The proposal also include the addition of three padel courts on a portion of the existing parking area and the parking layout is revised across the precinct to accommodate the change.

- Since the current zoning of the land does not permit the existing facility, it was confirmed by City that relevant LUM approvals need to be obtained prior to submission and approval of buildings plans for the proposed additions. The facility operates without the required land use approval since Virgin Active was never aware that the gym is deemed an unauthorised land-use and was never previously advised to obtain approvals especially in view of a formal lease agreement with the City.

- The application in question's principle intent is thus to formalise the existing Virgin Active Gym, together with the proposed additions and alterations as

part of the refurbishment of the facility, on a consolidated site in line with the formal lease area with an appropriate zoning. Relevant approvals for rezoning, subdivision, consolidation, departures and conditions amendment are thus applicable and the subject of this application.

- A rezoning and consolidation application for the site was previously submitted by Virgin Active on 16 January 2025 that was deemed incomplete by the City.

- An Administrative Penalty Application (Case ID 1500163158) has been submitted separately given the unauthorised existing land use.

- To ensure the appropriateness and desirability of the development proposal, various assessments were conducted including investigations regarding bulk infrastructure, provision of services and stormwater management and traffic impact. The development is deemed to be desirable and compatible with its location and consistent with the City's vision, Spatial Development Frameworks and other planning, land use and development policies and legislation.

MOTIVATION

Development Proposal:

- Additions and alterations are envisaged as part of an intended refurbishment of the existing Virgin Active Constantia Gym. The latter include the addition of three padel courts on a portion of the existing parking area and the parking layout is revised across the precinct to accommodate the change. The proposal retains the existing two-storeys and is largely contained within the existing development footprint on the proposed consolidated site.

- The proposal increases the gross leasable area of the facility from 4 104m² to 4 914m², an increase of 810m², comprising a ground floor of 3 085m² and a first floor of 1 823m². The consolidated site achieves a coverage of 45% (against the existing 44%) and a floor factor of 0.62 (against the existing 0.52). As noted above, the redevelopment maintains a 2-storey building with a maximum height increase from 7m to 10,4m.

- The existing land use will be retained for the refurbished gym after redevelopment as now intended. All the uses and amenities as part of the gym, as detailed in Par. 4.2, are directly associated and supplementary uses available to members only.

- The proposed development complies with the applicable Community Zone 2 development parameters of the DMS, with the exception of the off-street parking standard, the disabled parking standard and certain street and common boundary building lines, for which permanent departures are sought. Parking is accommodated within the broader precinct on the basis of a survey of actual demand, with five disabled bays provided close to the facility entrance, as set out in the Traffic Impact Statement.

Policy and Guidelines Consistency:

This report demonstrates that the proposed development is aligned with the City's spatial vision, development frameworks and land use policies applicable to the Constantia valley. The development is consistent with the proposed Community Zone 2 zoning of the consolidated site and supports the City's objectives of the efficient use of well-located land within the urban edge and the retention of an established community amenity.

Desirability of the Proposed Development:

- The subject site is well located for the proposed partial redevelopment and refurbishment of the established Virgin Active facility. The site forms part of the Constantia Sports Centre that obtains appropriate access from Constantia Main Road. The recreational character of the immediate area, comprising the gym together with the sports facilities, is consistent with the proposed use.

- The facility has been operated on the site since the 1970s under a lease with the City and only additions and alterations now proposed.

- The site is well situated in relation to the commercial and community facilities of the Constantia valley. The Constantia Emporium and Constantia Village retail centres, together with the local commercial nodes along Constantia Main Road, are located within a short distance of the site and provide retail, commercial and service facilities to the surrounding community.

- The proposed refurbishment project, including additions and alterations, responds directly to the operational and future requirements of the Virgin Active facility to meet member demand and enables the continued optimal and viable operation of the facility.

- Civil and Electrical Engineering Services Reports were prepared confirming that sufficient existing services infrastructure, connections and capacity are available.

- A Traffic Impact Statement was prepared that concluded that based on the findings of the study and in particular the parking survey there is adequate parking available for the increased GLA and 3 Padel courts. On this basis it is recommended that the development be supported. No adverse traffic impact on the surrounding road network is anticipated. The TIS and parking study was based on confirmation from Department Property Management, that no exclusive use parking bays are allocated to the relevant sport clubs in terms of their formal lease agreements.

- Since the initial LUM application submission, Department Property Management additionally responded that specificate bays within the communal public parking area need to be allocated to the relevant adjacent sport clubs, as recommended by City Recreation and Parks Department. Based on the latter, a further addendum to the TIS was prepared to re-assess the parking availability (see Annexure Z). It was concluded that as per the original TIS and taking into the parking that Recreation and Parks have allocated to the Virgin Active Gym there is still adequate parking available for the increased GLA and 3 Padel courts. On this basis it is still recommended that the development be supported.

- The nature of the development within the applicable context is deemed to have a minimal impact. Standard conditions relevant to developments of this nature will further mitigate potential impacts but no specific mitigation measures are deemed relevant.

- As confirmed by the Conveyancer Certificate no servitudes or restrictive conditions are registered that are applicable to the property that will affect the proposed development or impact on existing rights.

- The proposed development is compatible with the surrounding recreational and residential character of the Constantia valley. The site forms part of the established Constantia Sports Centre and the upgrade and expansion of the existing Virgin Active facility does not introduce a use that is out of character with the precinct. The adjoining uses comprise sports-club facilities, the Constantia Pre-Primary and the surrounding residential areas.

CONCLUSION

Additions and alterations are envisaged as part of an intended refurbishment of the existing Virgin Active Constantia Gym. Since the current zoning of the land does not permit the existing facility, it was confirmed by City that relevant LUM approvals need to be obtained prior to submission and approval of buildings plans for the proposed additions. The facility operates without the required land

use approval since Virgin Active was never aware that the gym is deemed an unauthorised land-use and was never previously advised to obtain approvals especially in view of a formal lease agreement with the City.

The application in question's principle intent is thus to formalise the existing Virgin Active Gym, together with the proposed additions and alterations as part of the refurbishment of the facility. A rezoning and consolidation application for the site was previously submitted by Virgin Active on 16 January 2025 that was deemed incomplete by the City. An Administrative Penalty Application (Case ID 1500163158) has been submitted separately given the unauthorised existing land use.

To ensure the appropriateness and desirability of the development proposal, various assessments were conducted including investigations regarding bulk infrastructure, provision of services and stormwater management and traffic impact. The development is deemed to be desirable and compatible with its location and consistent with the City's vision, Spatial Development Frameworks, in particular the Southern District Plan. and other planning, land use and development policies and legislation.

Given the above conclusion, it is recommended that this application be considered for approval based on the merits thereof as demonstrated in detail by the application report and supporting annexures.

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1.0 INTRODUCTION

1.1 APPLICATION DETAILS

Table 1 below provides a summary of the application and property details:

Table 1: Property & Application Details	
Property Description	Erven 2978-RE & 1495 Constantia
Registered Owners	City of Cape Town
Lease Holder	Virgin Active South Africa (Pty) Ltd
Applicant	LMV CAPE Town & Regional Planners (represented by Hennie du Plooy & Lourens Booysen)
Proposed Consolidated Site Area	7 930m²
Lease Area	7 930m²
Applicable Zoning Scheme	City of Cape Town Development Management Scheme (DMS)
Current Zoning	Utility Zoning (UT) and Transport Zoning 2 (TR2)
Overlay Zone	Scenic Route 13a (Category S1) influence area; Constantia Arcadian Heritage Audit Area
Current Land Use	Existing Virgin Active Constantia Gym
Title Deed	
Title Deed Restrictions	No
Proposed Development / Land Use	Proposed Additions and Alterations to the existing Virgin Active Constantia Gym
Application Components	• Rezoning, Section 42(a); • Subdivision, Section 42(d); • Consolidation, Section 42(f); • Permanent Departures, Section 42(b) • Amendment of Approval Conditions, Section 42(j)
Special / Conservation Area	Within the Constantia Arcadian Heritage Audit Area; no formal heritage protection
Subject to NEMA	No
Subject to SAHRA	No
Municipality	City of Cape Town
Administration District	Southern District (Subdistrict 2)
Policy compliant	Yes
Inside Urban Edge	Yes
Any unauthorised land use / building work	Yes - Administrative Penalty Application submitted (Case ID 1500163158)

1.2 BACKGROUND

The existing Virgin Active Constantia Gym (from here on referred to as "the gym") is located on Erven 2978-RE & 1495 Constantia (from here on referred to as "the site"). The site is located within the Constantia Sports Centre precinct. The latter includes the False Bay Rugby Football Club, the Constantia Tennis Club, the Constantia Bowling Club (also hosting the Totalsports Running Club) and the Claremont Cricket Club. The Constantia Pre-School is located directly adjacent the site to the south on Erf 2983. The M3 Free Way extends adjacent the site to the southeast. Constantia Main Road runs along the length of the larger Constantia Sports Centre to the north-west of the latter sports fields. Access to the site as well as the Constantia Pre-School is obtained from Constantia Main Road via an internal access route through the sports centre grounds (see Locality Map – **Annexure H**).

The following points form part of the background to the application:

- The Constantia Sports Centre grounds and the concerned sites on which the Virgin Active gym are located, are City owned land and leased accordingly. The pre-school was also leased and located on City land but the concerned Erf 2983 is currently in the process to be transferred to the pre-school.

- The earliest Virgin Active gym building was constructed and in operation as a gym, estimated between 1971 and 1980 in accordance with a formal lease agreement with the City. The time of existence of the initial gym building is evident from the different aerial images extracted from the City map viewer (see **Annexure I**).

- The latest signed lease is dated 17 June 2021 and in the process of being extended based on the existing lease area and property boundaries. A new consolidated site, according to the Lease Plan, will be formalised as part of this Land Use Management (LUM) application.

- Virgin Active is not in the possession or aware of any approved building plans and following request to the City to obtain copies, it was confirmed that no building plan copies could be found (see attached **Annexure J**). Based on the City knowledge and lease agreement for the gym, it is assumed that construction at the time would have occurred following approval of building plans. A Zoning Extract, including any LUM approvals, for Erf 2978-RE were also requested from City. From the attached **Annexure J** it is evident that no BDM or LUM approvals could be traced in the City archives.

- Additions and alterations are envisaged as part of an intended refurbishment of the existing Virgin Active Constantia Gym. The proposal reinforces the recreational and landscape-led character of the Constantia Sports Precinct. The proposal also include the addition of three padel courts on a portion of the existing parking area and the parking layout is revised across the precinct to accommodate the change. The proposal retains the existing two-storeys and is largely contained within the existing development footprint on the proposed consolidated site. It is proposed to increase the GLA of the facility from 4 104m² to 4 914m², an increase of 810m², a minor coverage increase from 44% to 45% and a floor factor increase from 0.52 to 0.62 and maximum height increase from 7m to 10,4m.

- Since the current zoning of the land does not permit the existing facility, it was confirmed by City that relevant LUM approvals need to be obtained prior to submission and approval of buildings plans for the proposed additions. The facility operates without the required land use approval since Virgin Active was never aware that the gym is deemed an unauthorised land-use and was never previously advised to obtain approvals especially in view of a formal lease agreement with the City.

- The application in question's principle intent is thus to formalise the existing Virgin Active Gym, together with the proposed additions and alterations as part of the refurbishment of the facility, on a consolidated site in line with the formal lease area with an appropriate zoning. Relevant approvals for rezoning, subdivision, consolidation, departures and approval conditions amendment are thus applicable and the subject of this application.

- A rezoning and consolidation application for the site was previously submitted by Virgin Active on 16 January 2025 that was deemed incomplete by the City. Following a pre-application consultation meeting, it was agreed to withdraw the initial application and submit a new application following appropriate assessments and supporting studies and documents.

- An Administrative Penalty Application (Case ID 1500163158) has been submitted separately and is to be decided before a decision is taken on this land use application.

- To ensure the appropriateness and desirability of the development proposal, various assessments were conducted including investigations regarding bulk infrastructure, provision of services and stormwater management and traffic impact. Various design proposals were

considered and evaluated and following on from these investigations, specialist consultants' inputs, assessments and consultation with key City departments, the concerned proposal in its current form, was deemed the most desirable.

- The development is deemed to be desirable and compatible with its location regarding the scale, design philosophy and building massing to limit any potential negative impact on the surrounding properties and area and will not have any impact on existing rights. The latter is in particular considering it is an existing facility successfully in operation for many years with only additions and alterations now proposed.

- This report demonstrates that the proposal is aligned and consistent with the City's vision, Spatial Development Frameworks, in particular the Southern District Plan, and other planning, land use and development policies and legislation.

LMV Cape Town & Regional Planners was appointed as the town planning consultant on this project and are responsible for submitting and facilitating the required land use application process (refer to the power of attorney and resolution attached as **Annexures B, C and D**).

1.3 PROJECT TEAM

The project team consist of the following:

- Land Owner: City of Cape Town
- Applicant / Lessee: Virgin Active Property Company (Pty) Ltd
- Architect: Boogertman + Partners
- Landscape Architect: CNDV Landscape Architects
- Civil Engineer: EKCON (Pty) Ltd
- Electrical Engineer: Claassen Auret (Pty) Ltd
- Traffic Engineer: EFG Engineers
- Land Surveyor: Base Plan Professional Land Surveyors
- Conveyancer: Watson Attorney
- Town Planner: LMV Cape Town & Regional Planners

1.4 STATUTORY INFORMATION OF THE CONCERNED PROPERTIES

1.4.1 Property Registration and Ownership

Remainder Erf 2978 was subdivided in 1971 into 6 portions assumed intended for 4 residential sites as a continuation of the existing row of residential sites to the west thereof, a small utility site and remainder cul-de-sac road portion for access to these subdivisions from Midhurst Way, being Erven 2980-RE, 2981, 2982-RE, 2983, 2984-RE & Erf 2978-RE (the latter being the erf remainder as portion of access road to other subdivisions). The earliest Virgin Active gym building was erected over certain of these subdivision after 1971 and prior to 1980 (refer to City map viewer extracts of available aerial images – **Annexure I**).

A building was also erected in this time on Erf 2983 which is the current Constantia Pre-school property that was in the meantime sold and transferred to the school from City. All the other subdivided portions being Erven 2980-RE, 2981, 2982-RE, 2984-RE & Erf 2978-RE were never registered and still owned by the City. In view of the transfer and registration of Erf 2983, the road portion being now the new Remainder of Erf 2978, has vested.

In order to create a consolidated site according to the boundary of the lease area all these unregistered subdivisions of Remainder Erf 2978 (thus all subdivisions excluding the school site Erf 2983) need to be subdivided where applicable and consolidated, notwithstanding the fact that they are unregistered. A closure of the street portion is also applicable and a separate application to Property Management Department is applicable to run in parallel to this Land Use application Process. The above was confirmed with the project Land Surveyor in consultation with the Surveyor General (SG) office. A Status Report in this regard is also attached (**Annexure AC**). The concept Surveyor-General diagrams prepared in support of the required new subdivision and consolidation are attached as **Annexure Q**.

The two subject erven, being the Remainder of Erf 2978 (the initial remainder not referring to the unregistered new street portion as the new Remainder Erf 2978) and Erf 1495 are registered in the name of the City of Cape Town. The Remainder of Erf 2978 is held under Title Deed registered on 29 June 1990, with Diagram S.G. No. 2509/71 and Erf 1495 under Title Deed dated 15 June 1993, with Diagram S.G. No. 8769/69 (refer to the attached title deeds and SG diagrams, **Annexure E & F**).

The City, as land-owner, has thus provided a power of attorney to Virgin Active and a power of attorney by Virgin Active to LMV Cape (refer to the relevant power of attorneys and resolution attached - **Annexures B, C & D**).

1.4.2 Title Deed Restrictions and Servitudes

The applicable title deeds and SG diagrams were scrutinised for any registered or surveyed servitudes and restrictive conditions. As confirmed by the Conveyancer Certificates (see **Annexure G**), no servitudes or restrictive conditions are registered that are applicable to the properties or will affect the proposed additions and alterations proposed.

The subdivision of the Remainder of Erf 2978 creates two additional portions, Erven A (215m²) and B (190m²). The remaining extent of Erf 2978 is consolidated with Erf 1495 to form a single land unit of 7 930m², being the proposed consolidation diagram Erf C (7 930m²), Constantia (see **Annexure Q**). All are given effect through the present application.

The concerned properties are leased by Virgin Active from the City since the initial building was constructed (refer to existing Lease Agreement and Plan – **Annexure K**). The above proposed new consolidated property boundaries are in accordance with the Lease Plan. A new lease is currently being finalised for the lease extension and certain amendments to the lease.

1.5 PRE-APPLICATION CONSULTATION

A pre-application consultation meeting was held with the City of Cape Town's Southern District Land Use Management function on 3 July 2025, attended by the City's officials Mr. Pierre Hoffa and Me. Andri Odendaal, the applicant (Virgin Active South Africa) and the town planner (LMV Cape). The consultation addressed the application type and procedural sequencing, the parking and access arrangements, the proposed padel courts, the lease boundaries and the conditions of approval applicable to the adjoining pre-school on Erf 2983.

The consultation confirmed that the Administrative Penalty Application must be submitted and decided before the land use application can be decided. The City advised that the lease boundaries and any encroachments be confirmed and that the property boundaries be adjusted to form the consolidated land unit. It was further confirmed that the conditions of approval of the adjoining Constantia Pre-Primary on Erf 2983, relating to parking and access, must be taken into account,

particularly as the proposed padel courts are located on the existing parking area and the pre-school takes its access over the lease area. The City indicated that an amendment of the relevant Erf 2983 conditions of approval would be required and that the padel courts, parking and revised boundaries are to be formalised with the City's Property Management department through a revised lease agreement.

Comprehensive individual consultation occurred with Departments Catchment Management on stormwater requirements, Water and Sanitation and Roads Infrastructure Management on services requirements, Transport (TIA) regarding the TIS, access and parking arrangements and proposals and City Parks regarding the landscaping proposals. These engagements informed the preparation of the current application including supporting assessments, reports and plans. A copy of the initial LUM pre-application consultation record is attached as **Annexure L**.

A presentation was arranged with property owners directly adjacent and opposite the Virgin Active, the Constantia Ratepayers and Residents Association (CRPRA) as well as all sport clubs within the sport precinct adjacent the Virgin Active, was arranged. All the identified owners, CRPRA and club representatives attended two sperate sessions. The purpose was to present the project and share information and respond to any queries. The proposal was generally well accepted.

1.6 EXISTING APPROVALS AND RELATED CONDITIONS

Only the City lease agreement and lease plan are available for the site. No previous land use approval or approved building plans for the existing Virgin Active facility could be located, as confirmed by the City of Cape Town in email correspondence dated 12 August 2025 from Cornelia Von Drüde of the Development Management department, attached as **Annexure J**. The City records hold only the original plans for the sports centre and its ancillary structures, comprising the tennis courts, parking area, yard, turning circle, drop-off point, main entrance, concrete garage and bowling clubhouse. No plans for the gym building could be located.

A Zoning Extract, including any LUM approvals, for Erf 2978-RE were also requested from City. From the attached **Annexure J** it is evident that no BDM or LUM approvals could be traced in the City archives.

The existing Virgin Active facility has accordingly not previously been the subject of an approved Site Development Plan and this application seeks approval of a Site Development Plan for the consolidated land unit. The

conditions of approval of the adjoining Constantia Pre-Primary on Erf 2983 relating to parking and access over the lease area are addressed in section 1.4.2.

2.0 NATURE OF THE APPLICATION

2.1 APPLICATION FOR REZONING

Application is made in terms of Section 42(a) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) for the rezoning of the proposed consolidated property from Transport Zoning 2 (TR2) and Utility Zoning (UT) to Community Zoning 2 (CO2).

Community Zoning 2 was deemed the most appropriate zoning to formalise the existing Virgin Active Gym. The latter is in view of the fact that *Place of Assembly* is a primary use defined as "*a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers, including a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium and club house, but excludes a place of entertainment or conference facility*". Accordingly, the existing gymnasium and directly associated and supplementary are regarded to be accommodated. The existing land use will be retained for the refurbished gym after redevelopment as now intended. All the uses and amenities as part of the gym, as detailed in Par. 4.2, are directly associated and supplementary uses available to members only.

The remainder of the larger Constantia Sports Centre is zoned Open Space Zoning 2 (OS2), being City owned land and leased by a variety of sports clubs not appropriate for the concerned gym. The zoning Open Space Zoning 3 (OS3) is also not ideal since the land use *Open Space* does not include a gymnasium and a further consent is required for *Place of Assembly*. Any Local or General Business Zonings are also not considered appropriate as part of the larger Constantia Sports Centre with its community, recreational and open space function as well as the adjacent pre-school zoned CO1. The CO2 zoning is thus fitting within this local context and with proposed minor building line departures, the development parameters and rules are also deemed appropriate.

The proposed rezoning will regularise the existing use and proposed additions and alterations. The proposed Consolidation and Rezoning Plan (Community Zoning 2) is attached as **Annexure R**.

2.2 APPLICATION FOR SUBDIVISION AND CONSOLIDATION

2.2.1 Application for Subdivision

Application is made in terms of Section 42(d) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) for the subdivision of the Remainder of Erf 2978 Constantia (road portion) creating temporary Erf A of 215m² and subdivision of the Remainder of Erf 2980 Constantia creating temporary Erf B of 190m². This is required to create the new Remainders of Erven 2978 and 2980, that remains after the subdivision, to be consolidated with Erven 2981, 2982-RE, 2984-RE and Erf 1495 Constantia as detailed below in Par. 2.2.2. The Land Surveyor concept subdivision and consolidation diagrams are attached (see **Annexure Q**) and shown on the Proposed Consolidation and Rezoning Plan (**see Annexure R**).

It is thus evident that the above subdivided temporary Erf no's A and B are created as a result of the required subdivision for the new Remainders of Erven 2978 and 2980, that remains after the subdivision, to be consolidated. The latter is to establish the required consolidated site strictly in accordance with the Lease Area Plan and Lease Agreement as explained below. These subdivisions (temporary Erf no's A and B) remain City owned land. Ideally, these subdivisions could be consolidated with the school property (Erf 2983) since they would serve no other functional purpose than effectively be incorporated into the school site but does not form part of this application. The latter is subject to negotiation between the Constantia Pre-school and the City as land owner of these subdivision and will also be subject to applications for purchase, closure of road portion and consolidation. The latter has been confirmed with the City, Property Management Department.

2.2.2 Application for Consolidation

Application is made in terms of Section 42(f) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) for the consolidation Erven 2980-RE, 2981, 2982-RE, 2984-RE, 2978-RE (street portion proposed for closure) and Erf 1495 Constantia into a single land unit. The boundaries of the proposed consolidated site are strictly in accordance with the Lease Area Plan and Lease Agreement (see **Annexure K**). The consolidated site is 7 930m² in extent and will accommodate the existing gym together with additions proposed. Concept Surveyor-General diagrams were prepared by the land surveyor in support of the subdivision and consolidation (see **Annexure Q**).

2.3 APPLICATION FOR PERMANENT DEPARTURE

Application is made in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law, 2015, for the following permanent departures from the concerned Community Zoning 2 development rules of the Development Management Scheme (refer to **Table 2**):

- Off-street parking from the 344 bays required (7 bays per 100m² of GLA) to 40 bays provided (1 bay per 100m² GLA) and disabled parking from 6 bays to 5 bays. Although 46 bays are provided on site, 6 bays of the 46 bays are to be registered in favour of adjacent Erf 2983 and thus not calculated as part of the off-street parking provision for the development.

- The 3m street boundary building line along the Simon van der Stel Freeway, to 2,1m. The new covered service plant, the existing air conditioner units and the existing water storage tanks with a roof canopy encroach the building line, with the existing canopy the closest to the boundary at 2.1m.

- Similarly to the above, the 5m street boundary building line adjacent to a designated metropolitan road (Simon van der Stel Freeway) in terms of the provisions of Item 121(2) of the Development Management Scheme (DMS), to 2,1m. The new covered service plant, the existing air conditioner units and the existing water storage tanks with a roof canopy encroach the building line, with the existing canopy the closest to the boundary at 2.1m.

- The 3m common boundary building line along the northern boundary adjacent Erf 442-RE, to 0m. The barrel-vaulted entrance tunnel, the proposed kiosk and new padel courts encroach the building line, with new padel court 01 the closest to the boundary at 0.19m.

- The 3m common boundary building line along the southern and south eastern boundaries adjacent Erf 2983, to 0m. The lap training pool, poolside seating, existing covered pump room and new padel court 02 encroach the building line, with the existing covered pump room located on the boundary.

The departures are motivated in detail in Section 5.10.

2.4 APPLICATION FOR AMENDMENT OF APPROVAL CONDITIONS

Application is made in terms of Section 42(j) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) for the amendment of condition 2.7 of the land use management approval of the adjoining Erf 2983 Constantia (Constantia Pre-Primary) with Case ID 70382871 dated 8 May 2020, to reduce the minimum number of parking bays to be registered over the Remainder of Erf 2980 in favour of Erf 2983 from 16 bays to 6 bays (see **Annexure M**). Refer to Section 5.11 for motivation in this regard.

Condition 2.7 is amended as follows (strikethrough indicates deleted wording and underline indicates new wording): *"In the event that the property is sold, a servitude for right of way and a minimum of ~~16~~ 6 parking bays shall be registered over the ~~portion of Remainder Erf 2978~~ proposed new consolidated site in favour of Erf 2983 and a servitude for right of way shall be registered over Remainder Erf 442 in favour of Erf 2983 to allow access/egress to/from Constantia Main Road*."

3.0 CONTEXT AND SITE DESCRIPTION

3.1 LOCALITY, ACCESSIBILITY & TRANSPORTATION CONTEXT

The subject site is located within the Constantia Sports Centre, off Constantia Main Road in Constantia, in the Southern District of the City of Cape Town. The larger sports precinct is bounded by Constantia Main Road to the north and northwest and by the M3 / Simon van der Stel Freeway corridor to the east and southeast (see **Figures 1 & 2**).

The site is well located in relation to the regional road network. The M3 / Simon van der Stel Freeway provides high-order connectivity between the Cape Town central business district to the north and the southern suburbs and the far south. Access to the site is obtained from Constantia Main Road at its intersection with Brommersvlei Road, from where an internal access road (unnamed) serves the facilities within the Constantia Sports Centre.

The Constantia valley is predominantly served by road-based public transport along Constantia Main Road. The site is not located in close proximity to a rail-based public transport station, consistent with the established suburban and recreational character of the area.

The site falls within Subdistrict 2 (Bishopscourt - Constantia - Tokai) of the Southern District Spatial Development Plan and Environmental Management Framework.

3.2 SURROUNDING LAND USES, ZONINGS AND CHARACTER OF THE AREA

The site is located within the established Constantia Sports Centre, which accommodates a range of recreational and sporting facilities including the Virgin Active facility and the cricket, tennis and bowling clubs. The surrounding area is characterised by the green, low-density suburban nature of the Constantia valley, with residential properties, the Constantia Pre-Primary School on Erf 2983 and the M3 corridor in the immediate context (see **Figure 3**).

The subject erven are zoned Transport Zoning 2 and Utility Zoning. The surrounding zonings within the broader area include Residential Zoning 1, Community Zoning 1, Open Space Zoning 2, Transport Zoning 2 and Utility Zoning, reflecting the established residential, recreational and open space character of the area.

No incompatible land use is introduced by the proposal. The proposed refurbishment of the existing Virgin Active facility is consistent with and contained within the established recreational character of the Constantia Sports Centre.



Figure 1: Regional Context

3.3 SITE DESCRIPTION

3.3.1 Slope and Drainage

The site has an approximate 5 metre level difference along its north-western boundary and an approximate 3 metre level difference along its south-eastern boundary. The site contours are indicated on the Site Development Plan (see **Annexure T**) in accordance with the City of Cape Town Ground Level Maps. The site sits on a localised high point within the immediate drainage area, with no run-on from neighbouring properties and falls within the Diep River macro-catchment.

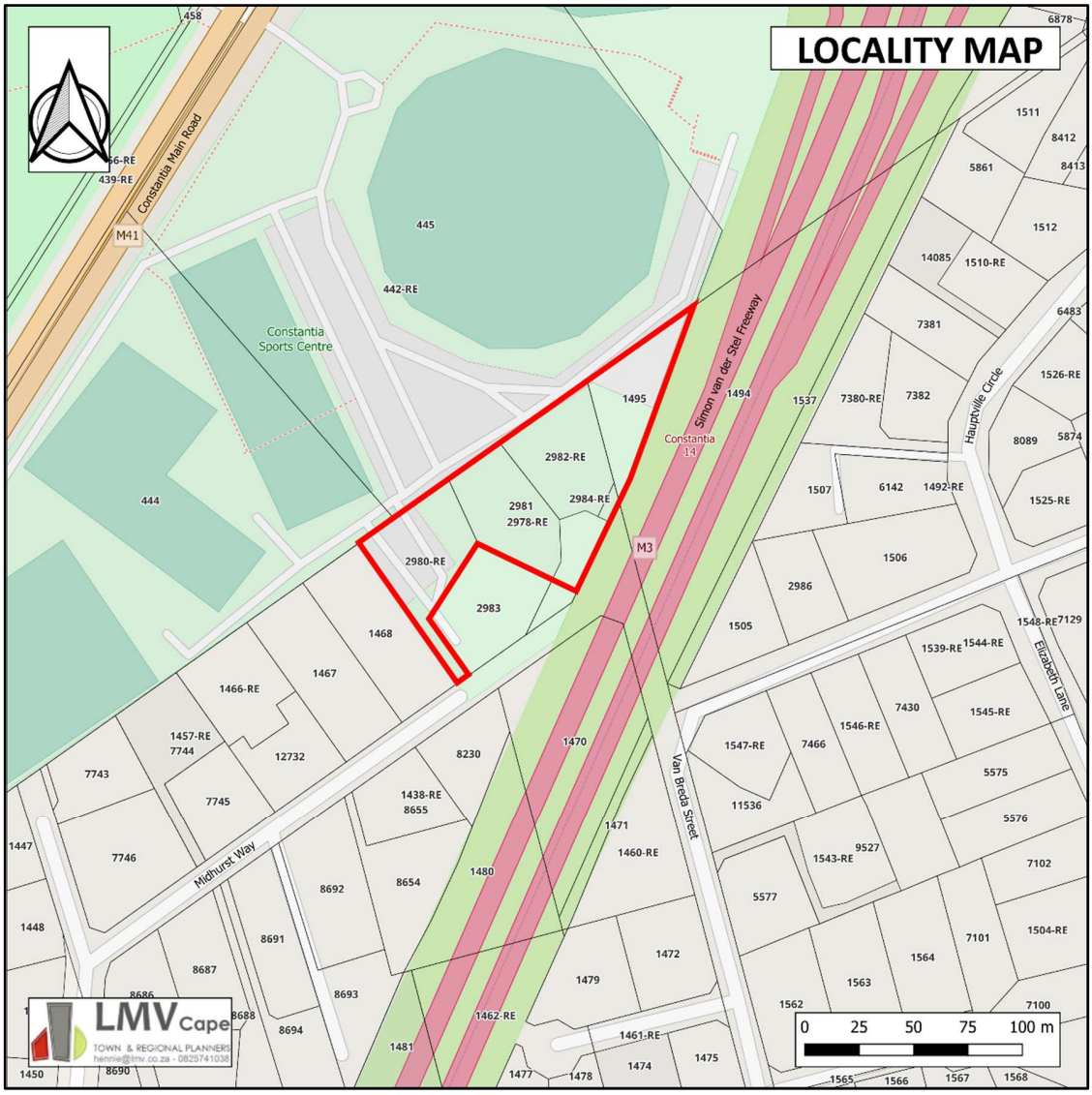


Figure 2: Locality Map

3.3.2 Existing Buildings and Structures

The site accommodates the existing Virgin Active Constantia facility, comprising a gymnasium building with ancillary facilities, together with associated parking and paved areas within the leased area. The facility has been operated site the initial building was constructed after 1971 and presents its primary frontage to the internal Constantia Sports Centre access toute off Constantia Main Road at its intersection with Brommersvlei Road.

The proposed refurbishment comprises internal alterations and additions to the existing building, together with the construction of three padel courts on a portion of the existing parking area. The demolition works are predominantly internal, with no significant external demolition. The associated external civil works are limited to the reconfiguration and resurfacing of the affected portion of the parking area and the rerouting of existing right of way servitude in favour of Erf 2983, the latter being required to retain existing trees in accordance with the Landscaping Plan (see **Annexure S**).

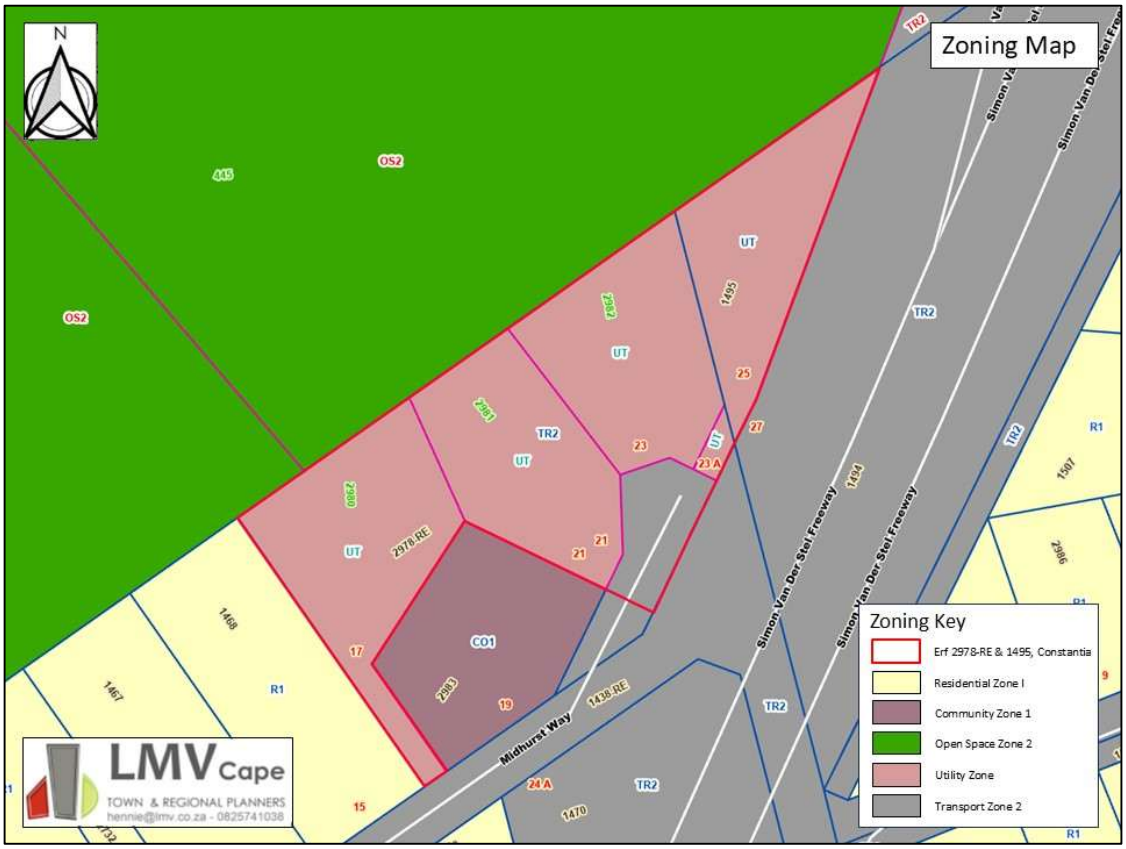


Figure 3: Zoning Map



Figure 4 – Aerial image of the property.



Figure 5 – Street view of the property to the north.



Figure 6 – Street view of the property to the south.



Figure 7 – Street view of the existing Virgin Active facility from the M3

4.0 THE PROPOSED DEVELOPMENT

4.1 ARCHITECTS DESIGN CONCEPT

Site Response: The proposed refurbishment and partial redevelopment of the Virgin Active Constantia facility reinforces the recreational and landscape-led character of the Constantia Sports Precinct. The proposal retains the existing two-storey scale and development footprint while improving pedestrian interfaces, circulation and the overall legibility of the site within the precinct. The addition of three padel courts, landscaped pedestrian connections and upgraded public-facing interfaces supports the continued evolution of the precinct as a contemporary recreational destination.

Architectural Expression: Increased façade transparency, softened boundary treatments, and integrated landscaping contribute to a more visually engaging and pedestrian-friendly environment. Layered façade screening and terraced landscape interventions create a permeable yet defined edge condition.

Public Realm & Activation: The proposal improves the quality of the public realm through upgraded landscaping, active outdoor gathering spaces, and a new plaza-like entrance. Outdoor seating areas strengthen the relationship between the building and surrounding pedestrian routes within the sports precinct.

Flexibility: The proposal promotes appropriate intensification within an established recreational precinct through the upgrading of an existing facility rather than outward expansion. Retained structural systems and improved internal layouts support long-term adaptability and flexibility.

Architectural Identity: The proposal responds to the established character of the Constantia Sports Precinct through a contemporary architectural approach embedded within a landscape setting. The retained scale and recreational focus reinforce the campus-like identity of the precinct while introducing a renewed architectural language.

4.2 DEVELOPMENT PROPOSAL

Additions and alterations are envisaged as part of an intended refurbishment of the existing Virgin Active Constantia Gym. The latter include the addition of three padel courts on a portion of the existing parking area and the parking layout is revised across the precinct to accommodate the change. The proposal retains the existing two-storeys and is largely contained within the existing development footprint on the proposed consolidated site.

Table 2 below provides a summary of the development parameters of the proposal against the City of Cape Town Development Management Scheme (DMS) development rules for the proposed Community Zoning 2 zoning. Reference is also made to the attached Site Development Plan (SDP) the proposed Consolidation and the Rezoning Plan (see **Annexures R & T**).

The proposal increases the gross leasable area of the facility from 4 104m² to 4 914m², an increase of 810m², comprising a ground floor of 3 085m² and a first floor of 1 823m². The consolidated site achieves a coverage of 45% (against the existing 44%) and a floor factor of 0.62 (against the existing 0.52). As noted above, the redevelopment maintains a 2-storey building with a maximum height increase from 7m to 10,4m. The latter ensures improved internal efficiency and functionality of spaces and structural design.

Parking is assessed in the Traffic Impact Statement (TIS) prepared by EFG Engineers as well as a subsequent addendum, on the basis of a survey of actual parking demand. The survey establishes a parking rate of 5.2 bays per 100m² of GLA, which is lower than the 7 bays per 100m² prescribed by the DMS. At the prescribed rate the DMS requires 344 bays for the development, of which only 40 bays (46 – 6 bays allocated to the school) are provided on the consolidated site, being a rate of 1 bay per 100m². A permanent departure from 344 bays to 40 bays is therefore required. Detail motivation in this regard is provided by the TIS and Section 5.10.

The City's Transport authority, the Urban Mobility Directorate, was engaged as part of the pre-application consultation process regarding findings of the TIS, the proposed parking provision and the required departure. It has indicated in principle support, with its final comment to follow on formal submission.

Table 2: Summary of Development and DMS Parameters					
• Property description: Erven 2980-RE, 2981, 2982-RE, 2984-RE, 2978-RE and Erf 1495 Constantia • Proposed new consolidated Site extent: 7 930 m² (aligns with the City Lease Area boundaries) • Proposed zoning: Community Zoning 2 (CO2) - Existing GLA and Floor Space: 4 104m² and 4 559m² - Proposed New Total GLA and Floor Space: 4 914m² and 5 397m²					
Development Rule (CO2)	**DMS Provisions**	**Existing**	**Proposed New**	**Total**	**Compliant**
Coverage (%)	80	44	0.83	45	Yes
Coverage (m²)	6344	3485	66	3551	Yes
Floor factor	2	0.52	0.10	0.62	Yes
Floor space (m²)	15860	4559	838	5397	Yes
Gross Leasable Area (m²)	-	4104	810	4 914	N.A.
Height above EGL (m)	18	7,0	10,4	10,4	Yes
Street building line (m): Simon van der Stel Freeway (existing water storage roof canopy) • DMS standard rule • Item 121(2) Metro Rd [1]	 3 5	 2,1 2,1	 - -	 2,1 2,1	 No No
Common boundary building lines (m): • Northern boundary, adjacent Erf 442-RE (nearest portions of building / padel courts) • Western boundary, adjacent Erf 1468 (nearest proposed padel court) • South eastern boundary, adjacent Erf 2983 (existing covered pump room) • Southern boundary, adjacent Erf 2983 (existing covered pump room)	 3 3 3 3	 3,1 - 0 0	 0 7,6 0 0	 0 7,6 0 0	 No Yes No No
Parking (Gymnasium): • Standard bays • Disabled bays (included in parking provision above) • Total on-site (new consolidated site/lease area)	 7 bays\100m² GLA (344) 6 bays 344	 69 - 69 [3]	 -29 5 -29	 40 5 **40** [2]	 No No No
Carriageway crossings: • No of CWCs / site • Min distance between CWCs • Min - Max CWC width	 1 12 m 2,4 – 8 m	N/A (access obtained via precinct internal access road only)			

Development Rule (CO2)	DMS Provisions	Existing	Proposed New	Total	Compliant
Boundary walls/fencing height & Permeability (m)					
• Eastern boundary (Simon van der Stel Freeway)	2,1	2,1	2,1	2,1	Yes
• Northern boundary, adjacent 442-RE (internal road boundary thus common boundary)	2,1	-	-	-	Yes
• Western boundary, adjacent Erf 1468	2,5	2,4	2,4	2,4	Yes
• South eastern boundary, adjacent Erf 2983	2,5	2,4	2,4	2,4	Yes
• Southern boundary, adjacent Erf 2983	2,5	2,4	2,4	2,4	Yes
• Security devices on top of boundary wall	1	1	1	1	Yes
• Height of security devices above EGL	1,8	1,8	1,8	1,8	Yes
• Permeability along public roads - Simon van der Stel Freeway (%)	25	100	100	100	Yes

Notes

1 Street boundary building line in terms of Item 121(2) - Simon van der Stel Freeway is a designated Metropolitan Road

2 The number of proposed on-site bays excludes 6 bays to be registered in favour of adjacent Erf 2983. Although a substantial off-street parking departure is applicable, more than sufficient parking is provided on and off-site as motivated in detail in Par. 5.8 of this report and the attached TIS (**Annexure Z**) as in principle supported by Department Transport during pre-application consultation

3 The number of existing on-site bays excludes 16 bays previously allocated to adjacent Erf 2983

Access to the facility is retained at the existing Constantia Sports Centre entrance on Constantia Main Road, at its intersection with Brommersvlei Road. No new access onto the surrounding road network is created and no permanent departure in respect of carriageway crossings is required. The carriageway crossing provision of the Development Management Scheme does not apply, as access is obtained from the internal precinct roads only and no access is taken from the M3 / Simon van der Stel Freeway.

The previous 6m wide right of way servitude provided for by the approval condition 2.7 (refer to **Annexure M**) in favour of Erf 2983 will be retained and proposed to be rerouted and accommodated within a new right of way servitude over the new consolidated site. The latter was required in order to

retain the existing trees, in accordance with the Tree Survey and Landscaping Plan (see **Annexure S**).

All the uses and amenities as part of the existing gymnasium primary land use are operationally directly ancillary and supplementary thereto. The existing land use will be retained for the refurbished gym after redevelopment as now intended. It is imperative to take cognisance of the fact that these amenities are only available to club members, enforced by strict security access control, and not to the general public. This include the following:

- Member co-working and lounge area;
- Aquatic facilities (pools for different requirements);
- Spa and wellness zone (male and female);
- Locker rooms and ablutions;
- Gym training floor;
- Children's facility (including supervised play area and kids café);
- Group exercise studios;
- Cardio training floor;
- Medical and wellness suite (including physiotherapy, biokinetics and medical consulting room, pathology and blood work room);
- Member food and beverage (juice bar and kiosk);
- Outdoor pause areas; and
- Three outdoor padel courts.

5.0 MOTIVATION – CRITERIA FOR DECIDING AN APPLICATION

Section 99 of the City of Cape Town Municipal Planning By-Law (2015) stipulates that when deciding whether to approve an application, the decision maker must consider all relevant considerations including:

- Any applicable spatial development framework;
- Relevant criteria contemplated in the development management scheme;
- Any applicable policy approved by the City to guide decision making;
- The extent of desirability of the proposed land use;
- Impact on existing rights (other than the right to be protected against trade competition;
- Other considerations prescribed in relevant national or provincial legislation.

The following sections is an assessment of the proposed development in terms of the criteria listed above as required by the City of Cape Town Municipal Planning By-Law (2015) and serves as the motivation for the approval of this application.

5.1 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.

The proposed development adheres to the following applicable development principles (SPLUMA reference) and land use planning principles (LUPA reference), as provided for by both SPLUMA and LUPA respectively:

5.1.1 Spatial Justice

Improved use of land: The proposed development constitutes the productive use of well-located, City-owned land within an established

urban area. The consolidation of the subject erven, the rezoning of the consolidated land unit and the additions and alterations to the existing Virgin Active facility ensure that development rights are exercised efficiently and that the land contributes optimally to the recreational, health and economic life of the area. The proposal does not displace any existing use or community and supports equitable access to the recreational and employment opportunities associated with the upgraded facility.

5.1.2 Spatial Sustainability

- Promote land development that is spatially compact and resource-frugal: The proposal optimises the use of land that is already developed and serviced within the urban edge. The consolidation of two fragmented parcels into a single land unit and the intensification of an established recreational use represent compact infill development that makes efficient use of existing infrastructure rather than extending the urban footprint.
- Promote the effective and equitable functioning of land markets: Aligning the statutory zoning of the consolidated erf with the long-established operation of the facility and the terms of the City lease provides tenure and development certainty that supports the orderly functioning of the land market.
- Consider all current and future costs for the provision of infrastructure and social services: The development connects to existing bulk and reticulation infrastructure of adequate capacity, as confirmed by the services reports. It does not require the extension of new infrastructure into undeveloped areas.
- Promote land development in locations that are sustainable and limit urban sprawl: The site is located within the urban edge in an established and well-located larger sport and recreational precinct. Intensifying an existing use on serviced land directly contributes to the prevention of urban sprawl.
- Result in communities that are viable: The upgraded facility sustains an established recreational and health and wellbeing amenity that serves the surrounding community and supports local employment, contributing to the long-term viability of the area.
- Sustained protection of the environment: The development will have no environmental or heritage impact. The site carries no biodiversity, wetland or indigenous vegetation designation. Consideration is given to effective stormwater management and to energy efficiency in the design and operation of the facility, including the photovoltaic installation.

- The illegal occupation of land should be discouraged: The continued and intensified use of the consolidated site for an established recreational facility ensures the active and productive occupation of the land.

5.1.3 Efficiency

- Optimise the use of existing resources, infrastructure, agriculture, land, minerals and facilities: The proposed development is located within an established urban area inside the urban edge and links efficiently to existing services of adequate capacity. The existing electrical supply is sufficient and requires no upgrade.
- Integrated cities and towns should be developed: The proposed development will ensure an integrated urban environment by means of:

    - The proposed land development within the existing urban edge will ensure that rural and urban areas are developed in support;
    - The upgraded facility sustains recreational, health and employment opportunities in close proximity to the surrounding Constantia residential community;
    - The consolidation of two fragmented erven into a single integrated land unit, together with the rezoning of the consolidated erf, ensures that the land is used at an appropriate intensity and prevents the inefficient use of well-located, City-owned land within the urban area;
    - Providing land use intensification on a site that is not optimally utilised within the existing urban area prevents long-term urban sprawl. The upgrade and expansion of the facility provide a more functional and efficient layout to accommodate the intended use; and
    - The proposed development supports the function and quality of the broader Constantia Sports Centre precinct by retaining and strengthening an established recreational anchor.

5.1.4 Spatial Resilience

Flexibility in spatial plans, policy and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impact of economic and environmental shocks: Allowing the flexibility provided for by this principle ensures sustainable livelihoods through the retention of an established recreational amenity and employer, together with the viable use of the land as proposed.

5.1.5 Good Administration

- The requirements of any law relating to land development and land use must be met timeously: The requirements of all applicable legislation relating to land development have been considered and will be adhered to (as will be demonstrated in the following sections).
- Transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them: Comprehensive public participation will be applicable regarding the land use application to afford all people the opportunity to provide inputs on matters affecting them.
- Decision-making procedures should be designed to minimise negative financial, social, economic or environmental impacts: In assisting informed decision-making, the development proposal design process included comprehensive assessments of relevant aspects to ensure limited or no impact. Various specialist studies, reports and assessments were conducted in this regard that influenced the final proposal.
- Development application procedures to be efficient and streamlined and time frames are adhered to by all parties: From the applicant side, all timeframes will be adhered to, to ensure a streamlined development application process.

5.2 CONSISTENCY WITH SPATIAL DEVELOPMENT FRAMEWORKS AND IDP

5.2.1 Western Cape Provincial Spatial Development Framework

The Western Cape Spatial Development Framework (PSDF) was approved by the executive authority in 2014 and endorsed by the Provincial Cabinet to replace the previous PSDF. The Western Cape PSDF has been framed to take forward the National Development Plan's spatial agenda, as well to give effect to the Provincial Strategic Objectives, including the OneCape 2040 initiative, the Western Cape Infrastructure Framework (WCIF) and the Western Cape Provincial Land Transport Framework (PLTF).

The PSDF's policy framework covers Provincial spatial planning's three interrelated themes, namely (a) Sustainable use of the Western Cape's spatial assets, (b) Opening-up opportunities in the Provincial space-economy and (c) Developing integrated and sustainable settlements. The following is an assessment of the proposed development in the context of these interrelated themes.

Sustainable Use of Provincial Assets: The PSDF emphasises that the Province's biodiversity and agricultural resources should be protected as

the unique scenic and cultural landscapes, which underpin the tourism economy, are being eroded and fragmented from inappropriate development.

The site is situated within an established and existing urban environment, inside the urban edge. The development will have no environmental or heritage impact or implications and will contribute to land use intensification and thereby directly releases pressure on protected and sensitive environmental areas and high potential agricultural areas on the periphery of the urban areas. The development will also not impact on the adjacent agricultural area or landscape.

Opening-up Opportunities in the Space-Economy: The Province's urban centres are the main drivers of the Western Cape economy. Understandably there is a correlation between the Province's space-economy and where people live. The PSDF targets existing economic assets (for example CBD's, established industrial areas, modal interchanges and employment nodes etc) to lever regeneration and revitalisation of urban economies. As such, one of the PSDF's key concepts related to the space-economy policies is to incentivise investment and economic diversification in urban and rural land markets.

The proposed upgrade and expansion of the established Virgin Active facility represents targeted private-sector investment into an existing, well-located urban asset. The proposal is consistent with the PSDF objective of leveraging investment in well-located urban land to support the long-term viability and competitiveness of the urban economy.

Developing Integrated and Sustainable Settlements: The PSDF acknowledges that the average densities of cities and towns in the Western Cape are low by international standards. Urban sprawl and low densities contribute to unproductive and inefficient settlements while increasing the costs of municipal and provincial service delivery. The PSDF provides principles to guide municipalities towards more efficient and sustainable spatial growth patterns, including a focus on higher densities, compact settlement footprints and the optimisation of existing urban land.

The PSDF, through its provincial spatial policies, promotes compact, mixed-use and integrated settlements by targeting existing economic nodes as levers for the regeneration and revitalisation of settlements and by promoting functional integration and mixed use. This improves settlement liveability, counters apartheid spatial patterns and decentralisation through densification and infill development.

The proposed development directly supports the Integrated and Sustainable Settlements theme of the PSDF as it creates desirable land use intensification within the urban edge. This makes optimum use of existing resources and infrastructure with adequate capacity to accommodate the development. The proposed development, being within the local area land-use planning objectives, would not deviate from the PSDF.

5.2.2 Municipal Spatial Development Framework (MSDF, 2023)

Introduction:

At a metropolitan scale, the focus of the MSDF is on accelerating the implementation of inward-growth-focused spatially targeted programmes, strategies and tools, in particular the following:

- Spatial Transformation Areas including an Urban Inner Core (UIC), which continues to emphasise the Integrated Public Transport Network (IPTN) imperatives as a primary restructuring vehicle along the trunk routes associated with rail and MyCiTi.
- The implementation of the Infrastructure Planning and Delivery Framework and Action Plan.
- The Urban Development Edge and Coastal Edges to distinguish between the city's existing urban footprint and future urban growth areas and the areas earmarked for conservation (Discouraged Growth Areas, which include Areas of Agricultural Significance and Critical Natural Areas).
- Development corridors and nodes which represent the economic nodal points in the city.
- The Priority Local Facilitation Areas identified in the District SDFs, to guide implementation through directing public investment, incentives, budgets and planning focus for the short (5 years) to medium term (10 – 20 years).
- The Catalytic Land Development Programme and the Consolidated Land Programme.
- Public housing, informal settlement upgrading and Small Scale Rental / Micro Unit Development Programmes.
- The City's Biodiversity Network and Green Infrastructure Network.
- Investment in community facilities located within social / civic clusters.

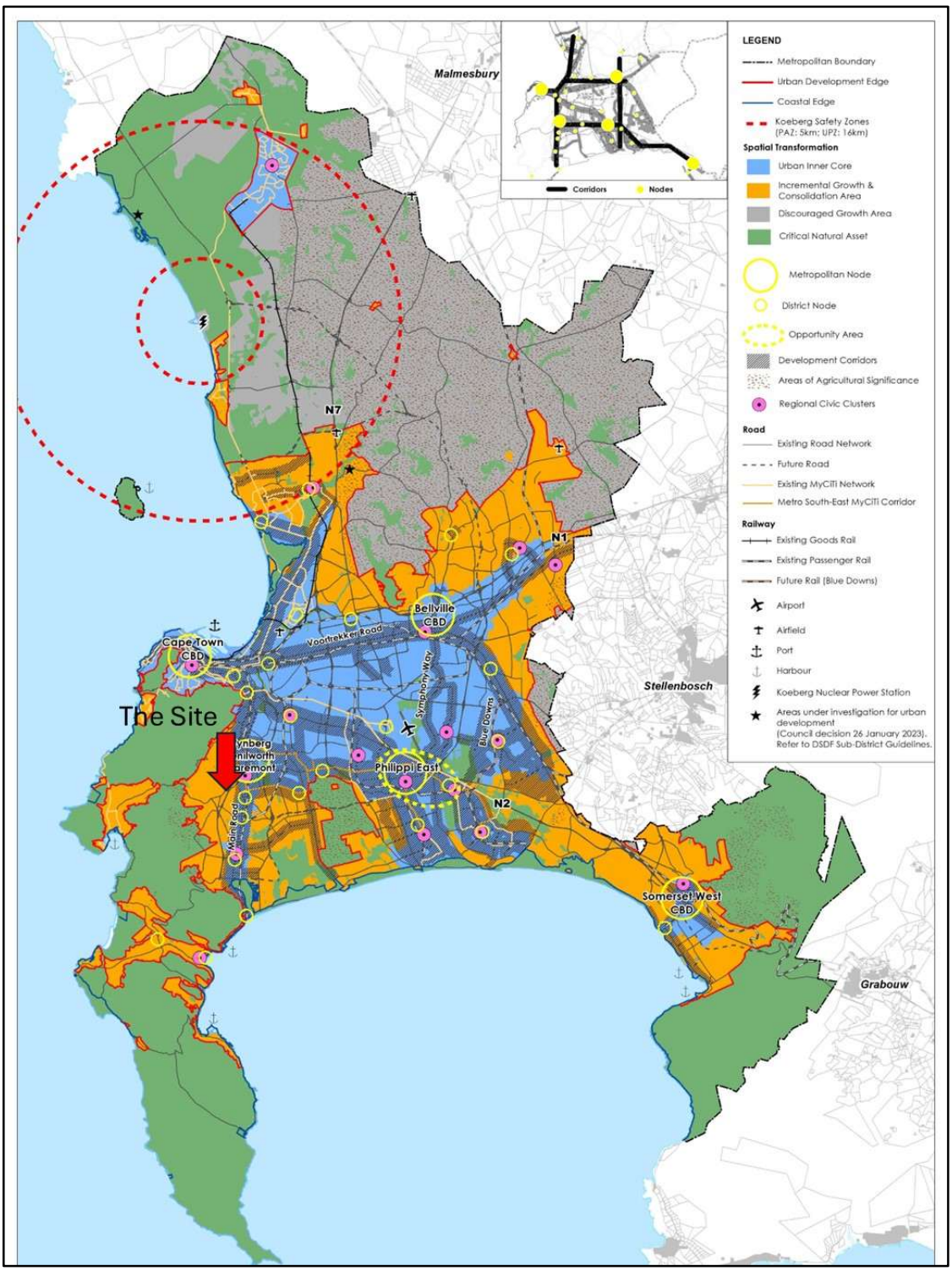


Figure 8: MSDF Consolidated Spatial Plan Concept

Spatial Transformation Areas Allocation:

The MSDF informs 'where', 'when' and 'how' appropriate land use development can be facilitated, with the support of targeted investment and effective land use management, based on four primary Spatial Transformation Areas (STAs). These STAs set out investment "rules of the game" prioritising public investment and growth within an Urban Inner Core framed by existing and planned public transport trunk routes, economic nodes and many of the most vulnerable communities in Cape Town. Importantly, the STAs form the basis for the prioritisation of capital budgeting in the city and include:

- An Urban Inner Core;
- Incremental Growth and Consolidation Areas;
- Discouraged Growth Areas; and
- Critical Natural Assets.

The site is situated within an Incremental Growth and Consolidation Area (see **Figure 8**). The metropolitan investment principle applicable to an Incremental Growth and Consolidation Area is the maintenance and fixing of existing bulk and reticulation infrastructure, with new development supported subject to confirmation of available capacity. The site also falls within the Urban Development Edge, confirming that the area is identified for continued urban use within the City's long-term growth direction.

The proposed development is aligned with the general principles and strategies of the Municipal Spatial Development Framework and deemed consistent, especially given the scale and nature of the proposed consolidation and additions and alterations to the existing building.

MSDF Spatial strategies:

Strategy 1: Plan for economic growth and improve access to economic opportunities. The proposal contributes to this strategy by sustaining and expanding an established recreational and health facility that supports local employment and is well served by the higher-order road network. The development makes more efficient use of well-located, City-owned land by intensifying an existing use within the parameters of the proposed Community Zone 2 zoning rather than seeking new land elsewhere within the metropolitan area.

Strategy 2: Manage urban growth and create a balance between urban development and environmental protection. The proposal supports this strategy through the efficient use of existing urban land and bulk

infrastructure. The intensification of an established use on already-developed land inside the urban edge avoids the need for greenfield development and the design responds to the scenic route and to the heritage character of the Constantia valley through the Site Development Plan. The development does not impact on any biodiversity, heritage or natural resources.

Strategy 3: Build an inclusive, integrated, vibrant and healthy city. The proposal contributes to this strategy by retaining and enhancing a community recreational and health amenity within an established and accessible part of the city. The upgraded layout, parking and access arrangements support a safe and functional environment consistent with the character of the surrounding Constantia Sports Centre precinct.

The proposed development is regarded as aligned with the general principles and strategies of the Municipal Spatial Development Framework and is deemed consistent therewith.

5.2.3 Southern District Plan

The proposed development is regarded as consistent with the Southern District Spatial Development Plan and Environmental Management Framework (District Plan). According to the District Plan, the site is located within Subcouncil 20 and within Subdistrict 2 (Bishopscourt - Constantia - Tokai), which encompasses Bishopscourt, Constantia, Tokai, Steenberg, Westlake and the Constantia winelands (see **Figure 9**).

The vision for Subdistrict 2 describes a distinctive area of rural, green and lower-density suburban character. It celebrates the valley landscapes, productive lands, living environments, recreational and tourism experiences and the history and culture of the Constantia valley, while incrementally intensifying development and enhancing public space at identified strategic locations. The District Plan directs growth primarily into existing local nodes, supports the transformation of existing commercial nodes into more mixed-use and pedestrian-orientated local precincts and applies a general restriction on the expansion in extent of existing commercial areas.

The subject site forms part of the established Constantia Sports Centre, an existing recreational precinct accessed from Constantia Main Road. The proposal does not introduce a new commercial area into a residential precinct, nor does it expand the extent of an existing commercial area into surrounding residential land.

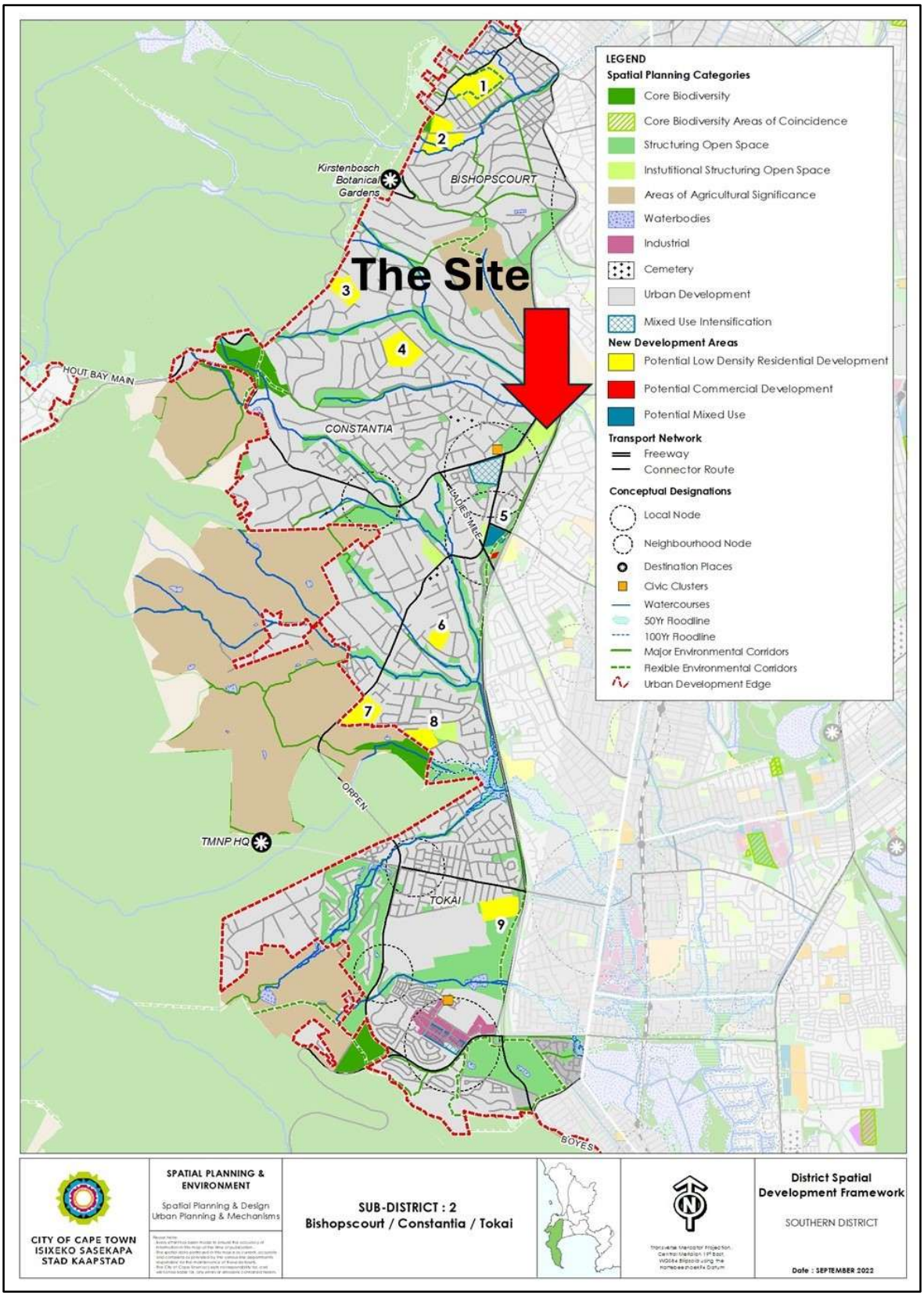


Figure 9: Southern District Plan - Subdistrict 2

It upgrades and intensifies an established recreational and health facility on land already in that use, which is consistent with the District Plan. The proposal supports for the optimal use of well-located land and the enhancement of existing recreational amenities within the subdistrict. The proposed development is therefore regarded as consistent with the objectives and guidelines of the Southern District Plan.

Constantia Main Road, from which the site obtains access, is a higher-order connector route with a public transport function within the subdistrict. The proposal retains the existing access arrangement through the Constantia Sports Centre and does not alter the road hierarchy or introduce any new access onto the surrounding road network. The site falls within the 100m influence zone of Scenic Route 13a (Category S1) associated with the M3 / Simon van der Stel corridor. The Site Development Plan responds to this designation through the siting, height, bulk and landscaping of the proposed additions as detailed by Par. 5.3.8 below.

The proposed development does not conflict with any transport designations applicable to the site and is consistent with the transport planning framework of the District Plan.

5.2.4 City of Cape Town Integrated Development Plan (IDP)

Densification aids Transit Orientated Development (TOD) by locating new development strategically around public transport and having the right mix of intensity and land uses to optimise the efficiency of the public transport network and the provision of services and positively influence the urban form of Cape Town.

The planned development project, being within the local area land-use planning objectives, would not deviate from the IDP and would be in line with the general objectives of densification and transit-oriented development.

5.2.5 Summary

The relevant spatial development frameworks discussed above are aligned in promoting a compact and integrated city in which access to economic opportunities is maximised for all. The proposal is consistent with the strategies, guidelines and policies of the various spatial development frameworks and that it is aligned with the City's long-term vision for this area and Cape Town as a whole.

5.3 CONSISTENCY WITH APPROVED COUNCIL POLICY & RELEVANT GUIDELINES

5.3.1 Densification Policy

The Cape Town Densification Policy was approved by the City of Cape Town to promote the longer-term sustainability of Cape Town's natural, urban and rural environments. While the policy is primarily directed at residential densification, its underlying principles of land use intensification, efficient use of well-located urban land and proximity to employment and public transport are relevant to the assessment of the proposed development. The proposed development adheres to the following applicable principles of the Densification Policy:

The City promotes densification and land use intensification at specific locations, particularly in areas with good transport accessibility and at established centres of activity. The subject site forms part of the established Constantia Sports Centre, is located on a higher-order connector route with a public transport function and is already in active recreational use, representing an appropriate location for the intensification of an existing use.

The policy encourages the optimum use of existing infrastructure and the development of underutilised land within the urban edge. The proposed consolidation, together with the upgrade and expansion of the facility, makes efficient use of existing bulk infrastructure and services and intensifies the productive use of an established land holding, avoiding the need for new development on undeveloped land elsewhere within the metropolitan area.

The policy is not regarded directly relevant to the application and proposal concerned although it supports desirable land use intensification within the urban edge.

5.3.2 Urban Design Policy

Development has the potential to change the way the city is structured and can have a positive or negative impact on the collective, or public, environment. In recognition of this, it is the City's duty to develop policies to guide and regulate development and then assess development applications against these policies through the land use planning process. The CTSDF and District Plans already include many sound urban design principles at the scale of the city which can be used to assess desirability. The intent of the Urban Design Policy is to focus on the local level, the scale of the site, precinct or neighbourhood.

The Urban Design Policy identifies a number of objectives, each with associated policy statements, which form the basis through which development applications will be assessed. It is evident from the table below that the proposed development is compliant with the City of Cape Town Urban Design Policy and responds positively to the various objectives (see **Table 3**). The architectural visualisations supporting the urban design assessment are attached as **Annexure AA**.

Table 3: Measure of Compliance with Urban Design Policy	
Objective Statement	**The proposed development (response with inputs by the Project Architect)**
Objective 1 Ensure that development contributes positively to the urban structure of the City to create integrated and legible places and neighbourhoods.	The proposed refurbishment and partial redevelopment of the Virgin Active Constantia facility reinforces the recreational and landscape-led character of the Constantia Sports Precinct. The proposal retains the existing two-storey scale and development footprint while improving pedestrian interfaces, circulation and the overall legibility of the site within the precinct. The addition of three padel courts, landscaped pedestrian connections and upgraded public-facing interfaces supports the continued evolution of the precinct as a contemporary recreational destination.
Objective 2 Ensure that development contributes to improved quality of the public realm and public spaces.	The proposal improves the quality of the public realm through upgraded landscaping, improved pedestrian interfaces and the introduction of active outdoor gathering spaces. A new plaza-like entrance and outdoor seating areas strengthen the relationship between the building and surrounding pedestrian routes within the sports precinct. Increased façade transparency, softened boundary treatments and integrated landscaping contribute to a more visually engaging and pedestrian-friendly environment while maintaining the landscape character of the area.

Objective 3 Ensure that developments contribute to the creation of safe and secure communities.	The development promotes a safe and secure environment through clear access control, improved visibility and active public-facing edges. The building is organised around a clearly legible primary entrance, while increased transparency along key façades improves passive surveillance and visual connection with surrounding public areas. Security infrastructure is integrated with landscaping and permeable boundary treatments to avoid overly defensive interfaces while maintaining appropriate access control and user safety.
Objective 4 Ensure opportunities and amenities are accessible and that people can move about easily and efficiently.	The site remains well connected to the broader Constantia Sports Precinct and is accessible by private vehicle, walking and cycling routes. The proposal introduces improved pedestrian circulation, clearer arrival sequences, dedicated drop-off bays and reorganised parking arrangements that improve movement and accessibility across the site. Dedicated disabled parking bays, improved circulation routes and upgraded landscaping further improve accessibility and usability across the facility.
Objective 5 Promote development intensity, diversity and adaptability.	The proposal promotes appropriate intensification within an established recreational precinct through the refurbishment and upgrading of an existing facility rather than outward expansion. Additional wellness, recreational and social spaces, including new padel courts and upgraded gym facilities, diversify the range of activities accommodated on site. Improved floorplates upgraded internal layouts and retained structural systems also support greater long-term flexibility and adaptability of the facility.

Objective 6 Ensure enclosure and positive interfaces onto the public realm.	The proposal improves the interface onto surrounding pedestrian routes through increased transparency, active frontages and integrated outdoor spaces. Public-facing façades have been designed to strengthen visual engagement between internal activity spaces and the surrounding precinct. Layered façade screening, terraced landscaping and softened boundary treatments contribute to a well-defined yet permeable edge condition that responds positively to the landscape character of the area.
Objective 7 Development should recognise and respond appropriately to informality.	The proposal acknowledges existing informal movement patterns and recreational activity within the broader sports precinct. Pedestrian routes and landscape interfaces respond to established desire lines between surrounding sports facilities and parking areas. The development does not preclude informal event-related activity associated with the precinct and continues to support the broader recreational environment.
Objective 8 Development should protect, value and enhance the natural environment through sustainable design.	The proposal adopts a landscape-led approach that retains significant portions of the existing structure, mature landscaping and existing infrastructure, reducing construction impacts and supporting a more sustainable development outcome. Additional planting, the relocation of existing trees where feasible, replacement planting for removed trees, water-wise landscaping, solar shading interventions, photovoltaic panels and upgraded stormwater systems contribute to the environmental performance of the development while reinforcing the green character of the precinct.

Objective 9 Respond to the Character and Identity of the Area.	The proposal responds to the established character of the Constantia Sports Precinct through a contemporary architectural approach embedded within the existing landscape setting. The retained scale, integrated landscaping and recreational focus of the development reinforce the campus-like identity of the precinct. The architectural language introduces a renewed contemporary identity while remaining sensitive to the surrounding open space, mature trees and recreational character of the area.

It is apparent from **Table 3** that the proposed development responds positively to the objectives of the City of Cape Town Urban Design Policy.

5.3.3 Design and Management Guidelines for a Safer City

The Design and Management Guidelines for a Safer City provide best practice guidance for the creation of sustainable, safe and lively environments in Cape Town. The guidelines are structured around six overarching safety objectives. The following objectives are applicable to the proposed development:

Clear boundaries and collective ownership: The consolidated site forms a clearly defined land unit within the Constantia Sports Centre, with the Virgin Active facility and its associated parking and padel courts legible as a distinct, managed precinct. The boundary treatment and controlled entrance communicate clearly where the managed facility begins and establish a clear hierarchy of access from the shared sports-ground parking areas.

Increased surveillance and visibility: The primary entrance to the facility provides active surveillance of the arrival area and the adjoining parking throughout operating hours. The layout avoids concealed spaces along the public interface and external lighting is provided to maintain adequate visibility after hours. The relationship between the facility, its parking and the adjoining Constantia Sports Centre uses supports passive surveillance of the precinct. The increased transparency of the public facing facades and the activity generated by the outdoor seating areas and the padel courts further strengthen passive surveillance of the arrival area and parking through the day.

Safe access and movement: Vehicular access to the facility is obtained from Constantia Main Road via the established Constantia Sports Centre access, with internal circulation and parking arranged to separate pedestrian movement from vehicle movement. The revised parking layout and the access over the lease area to the Constantia Pre-Primary, provided by a 6m wide road servitude, maintain safe and orderly circulation for all users of the precinct. Dedicated drop-off bays and the reorganised parking layout improve accessibility and the orderly separation of pedestrian and vehicle movement across the site.

A positive image: The proposed additions are designed to present a positive and well-maintained image to the surrounding area, consistent with the green, low-key suburban character of the Constantia valley. The design avoids stark or fortified security treatments along the public interface and integrates the padel courts and parking improvements into the established recreational setting.

Positive relationships and layered spaces: The interface between the facility, the shared parking areas and the adjoining Constantia Sports Centre uses is treated as a layered sequence of managed spaces rather than a hard, militaristic edge. The entrance provides a human-scale point of engagement and the boundary and landscaping elements are designed as integrated features of the precinct.

Good urban management and monitoring: The facility operates with a dedicated management and access control function. Operational management of the site is the responsibility of the lessee, Virgin Active Property SA (Pty) Ltd, ensuring clear accountability for the maintenance and management of the boundaries, access, parking and security elements of the facility.

The proposed development is regarded as consistent with the applicable objectives and principles of the Design and Management Guidelines for a Safer City.

5.3.4 City of Cape Town Transit Orientated Development (TOD) Strategic Framework

The City of Cape Town Transit Oriented Development (TOD) Strategic Framework was adopted by Council on 31 March 2016 and is seen as a planning, design and implementation approach to address inefficiencies in Cape Town's urban form. TOD represents the relationship between transit, being the operational and access imperative of an urban environment and

development, being the spatial manifestation of those within the urban economy. It seeks to create urban efficiencies and enable social equality and economic development through the integration of sustainable public transport and strategic land use intervention.

The TOD Strategic Framework identifies Transit Accessible Precincts (TAPs), defined as areas within a 500m radius of a higher-order public transport station, as the primary anchor for strategic intervention. The subject site is not located within a rail-based Transit Accessible Precinct. It is, however, located on Constantia Main Road, which is a higher-order connector route with a public transport function and the proposal intensifies an existing use on well-located and serviced land rather than generating new demand at a dispersed location.

The TOD framework recognises that non-residential land uses play a role in generating trips within the urban transport network and supports the intensification of development in accessible locations. The upgrade and expansion of the established Virgin Active facility on serviced land within the urban edge supports this principle by making more efficient use of an existing, well-located site served by the higher-order road network.

The proposal is consistent with the TOD Strategic Framework objectives of intensifying development within the urban edge, making efficient use of existing infrastructure and contributing to a more compact urban form. The development does not generate urban sprawl and does not place undue pressure on the public transport network.

5.3.5 Inclusive Economic Growth Strategy

The City of Cape Town's Inclusive Economic Growth Strategy (IEGS, 2022) provides guidelines for stimulating inclusive economic growth in the City. Its core principles are inclusivity, competitiveness, connectivity, resilience, embedded sustainability and collaboration.

The proposed development supports the IEGS in the following respects. In the short term, the upgrade and expansion of the facility will generate construction-sector employment across a range of skill levels. In the longer term, the upgraded facility will sustain and grow its permanent operational workforce, providing ongoing employment opportunities accessible to the surrounding community.

The investment by the operator in the upgrade and expansion of the established Virgin Active facility represents a commitment of private capital to a well-located site within the City. Virgin Active's rental contribution is

also significant. This investment supports local economic activity, strengthens the competitiveness and long-term resilience of an established recreational and health operator and is located on a site with direct access to the higher-order road network. The development supports the IEGS principles of competitiveness, connectivity and resilience.

The proposed development is therefore consistent with the objectives and principles of the City of Cape Town Inclusive Economic Growth Strategy.

5.3.6 Social Development Strategy

According to the City of Cape Town Social Development Strategy (SDS), a key approach to reducing poverty and preventing the intergenerational transmission of poverty within households and communities is creating economic opportunities and facilitating access to those opportunities.

The SDS identifies urban planning as a tool to promote spatial integration and supports the concentration of economic activity in accessible locations. The proposed upgrade and expansion of the established Virgin Active facility supports this objective by sustaining a recreational, health and employment amenity that is accessible to the surrounding Constantia community. The facility provides employment opportunities across a range of skill levels, contributing to the SDS objective of broadening access to economic opportunities.

The intensification of the facility on an established, well-located site within the urban edge is consistent with the SDS principle of optimal and sustainable land use. The development does not displace any residential use or community facility and does not contribute to spatial segregation. It supports the long-term viability of an established operator and the households dependent on employment at the facility.

The strategy is not regarded directly relevant to nature and scape of the proposal deemed consistent with certain guidelines referred to above.

5.3.7 Parking Policy

The City of Cape Town Parking Policy (2020) results from a review of the existing parking policy to ensure alignment with the City's strategic priorities and international best practice. The Parking Policy addresses parking provision and management as part of a coordinated plan for integrating transport in Cape Town. It moves away from fixed minimum parking requirements toward demand-based and managed provision.

The parking provision for the proposed development has been assessed comprehensively in the Traffic Impact Statement prepared by EFG Engineers on the basis of a survey of actual parking demand at the Constantia Sports Centre.

Although an on-site parking departure is applicable, overall optimisation and changes to the precinct parking provision will ensure more than sufficient parking as demonstrated by the TIS and supported by Department Transport (TIA). The reduced on-site provision reflects surveyed demand rather than a fixed minimum and is therefore consistent with the demand-based approach of the Parking Policy. The departure is consistent with the objectives of the Parking Policy.

5.3.8 Scenic Drive Network Management Plan

Although the property is municipal owned, it is already developed and relevant land use/issue as "Land within the Scenic Envelope as well as the Scenic Corridor" instead of Municipal owned land within the Scenic Envelop and the Scenic Corridor". All development within the Scenic Envelope as well as the Scenic Corridor should be subjected to the policies and guidelines for scenic drives. These conditions should be reinforced through local development frameworks, structure plans and zoning regulations. Issues to be considered include the nature of the scenic amenity, the particular views to be preserved and enhanced etc. The site falls within the 100m influence zone of Scenic Route 13a (Category S1) associated with the M3 / Simon van der Stel corridor.

In line with the above, the M3 / Simon van der Stel Freeway is designated as a scenic route by the District Plan. The District Plan provides that development along scenic drives and routes should retain views from the route and avoid negatively affecting the character of the landscape through which the route passes. Any redevelopment along such a route should address landscaping improvements to the public and private areas abutting the road.

The existing building envelope and massing are substantially retained, as reflected by the proposed elevations and renders, so that the visual impact of the development as seen from the freeway is not materially altered. The substantial existing trees, dense shrubs and landscaping along the boundary of the site entirely screen the existing facility along this edge, as confirmed by the street view image below (**Figure 7**). The embankment adjacent the freeway further prevent views of the existing facility above the existing large trees due to the level difference. The attached Landscaping Plan and Tree Survey Plan (**Annexure S**) clearly indicate the

large number of existing trees that will be retained. The minor additions, including the increased height, will therefore have a minimal visual impact, if at all visible, on the scenic route and on views from it.

5.4 COMPLIANCE WITH THE DEVELOPMENT MANAGEMENT SCHEME

Table 2 (refer to Par. 4.2) provides a summary of the proposed development's compliance with the development rules of the proposed zoning, as prescribed in the City of Cape Town Development Management Scheme (DMS). As explained previously, the application principle intent is to formalise the existing Virgin Active Gym, together with the proposed additions and alterations as part of the refurbishment of the facility, on a consolidated site in line with the formal lease area. The existing facility and redevelopment proposal is largely compliant with the provisions of the DMS regarding the proposed new zoning with only minor building line departures relating to the existing footprint. The nature of the required departures was clearly explained and is motivated in detail in Par. 5.10 below.

5.5 DESIRABILITY OF THE PROPOSED DEVELOPMENT

5.5.1 Desirability of the Site Location

The subject site is well located for the proposed upgrade and expansion of the established Virgin Active facility. The site forms part of the Constantia Sports Centre and obtains access from Constantia Main Road. The recreational character of the immediate area, comprising the gym together with the adjoining cricket, tennis and bowling club facilities, is consistent with the proposed use.

The facility has been operated on the site since the 1970s under a lease with the City and only additions and alterations now proposed. The site is accessible to users by private vehicle and by the public transport services operating along Constantia Main Road. The location of an established recreational facility served by existing infrastructure of adequate capacity makes the site well suited for the additions proposed.

5.5.2 Available Transportation Infrastructure

Constantia Main Road is a higher-order connector route serving the Constantia valley and provides access to the Constantia Sports Centre precinct at its intersection with Brommersvlei Road. The road carries a public transport function and connects the site to the broader Southern

District road network, including the M3 / Simon van der Stel Freeway corridor to the east.

The M3 / Simon van der Stel Freeway provides high-order regional connectivity between the Cape Town central business district to the north and the southern suburbs and the far south. Constantia Main Road and the surrounding road network provide local connectivity within the Constantia valley and to the adjoining suburbs of Bishopscourt, Tokai and Wynberg.

The site is not located within 500m of a rail-based public transport station and the Constantia valley is predominantly served by road-based public transport along Constantia Main Road. This is consistent with the established character of the area and with the operation of an existing recreational facility accessed primarily by private vehicle.

No future road realignments or infrastructure changes affecting Constantia Main Road or the immediate access to the site have been identified that would alter the transport context of the proposed development.

5.5.3 Proximity of Commercial and Employment Opportunities

The subject site is well situated in relation to the commercial and community facilities of the Constantia valley. The Constantia Emporium and Constantia Village retail centres, together with the local commercial nodes along Constantia Main Road, are located within a short distance of the site and provide retail, commercial and service facilities to the surrounding community.

The M3 / Simon van der Stel Freeway provides direct connectivity to the Cape Town central business district, the southern suburbs and the wider metropolitan area, supporting access to the facility for members and staff drawn from across the southern suburbs. The location of the facility within an established and accessible part of the Constantia valley supports its role as a community recreational and health amenity.

5.5.4 The Need for the Development and benefit to Community

The proposed refurbishment project, including additions and alterations, responds directly to the operational requirements of the Virgin Active facility, which requires the modernisation of its existing floor space and the introduction of three padel courts to meet member demand. The proposed additions and alterations are largely accommodated within the existing building footprint and on the lease area and enables the continued operation of the facility at a contemporary standard.

The upgrade retains and enhances an established recreational and health amenity that has served the Constantia community for several decades, supporting member health and wellbeing and sustaining local employment. The investment in the existing facility on well located, City-owned land inside the urban edge is an efficient use of land, consistent with the City's objective of supporting the optimal use of appropriately located land. The development does not introduce a new land use to the precinct and does not generate demand for additional bulk infrastructure beyond what is available.

5.5.5 Infill Planning of Available Land within the Urban Edge

Densification, land use intensification and infill planning are contemporary principles aimed at promoting integration and ensuring the optimum utilisation of available land within the urban edge. The proposed development gives effect to these principles by intensifying an established recreational use on land already developed and serviced within the Constantia Sports Centre precinct, making productive use of City-owned land without requiring the extension of services or infrastructure beyond the existing network.

The development does not encroach on agricultural land, open space or land beyond the urban edge. The proposal is fully contained within the established Constantia Sports Centre precinct and is consistent with the principle of optimising the use of serviced land within the urban edge in preference to development on the urban periphery.

5.5.6 Socio-Economic Impact

Land use intensification on serviced urban land carries direct socio-economic benefits through the more efficient use of existing infrastructure and the support of established community amenities. The proposed upgrade and expansion of the Virgin Active facility contributes to these benefits in a number of respects.

The construction phase will create short term employment opportunities in the building and construction sector. On completion, the upgraded facility will sustain the ongoing employment of its workforce, supporting the recreational, health and wellbeing needs of the surrounding community. The investment by the operator is a private sector commitment to an established site within the Constantia valley, contributing to the rates base of the City and supporting the broader economic and social life of the area.

The upgrade makes use of existing bulk infrastructure and services without placing undue additional demand on social services or community facilities. The socio-economic impact of the proposed development is therefore assessed as positive, contributing to the retention of a community amenity, local employment and the productive use of land within the urban edge.

5.5.7 Compatibility with Surrounding Area

The site forms part of the established Constantia Sports Centre. It is surrounded by recreational and institutional uses, including the adjoining cricket, tennis and bowling club facilities, the Constantia Pre-Primary on Erf 2983 to the south and the residential areas of Constantia beyond. Constantia Main Road bounds the precinct to the north and northwest and the M3 / Simon van der Stel Freeway corridor bounds it to the east and southeast.

The proposed additions are designed at a scale and massing consistent with the existing facility and the surrounding recreational precinct. The siting, height, bulk and landscaping of the additions respond to the scenic route and to the heritage character of the Constantia valley, presenting an appropriate interface with Constantia Main Road and the surrounding uses.

The proposed development is therefore assessed as compatible with the surrounding area. The upgrade and expansion of an existing recreational facility on a site that has accommodated that use for several decades raises no material compatibility concerns with respect to adjacent properties or the broader character of the Constantia valley. In order to ensure any potential impact by the outdoor padel courts regarding noise or light pollution is sufficiently considered and mitigated, the developer has instructed a Noise Impact Assessment (**see Annexure AD**) as well as a Lighting Design Report (**Annexure AE**) to be conducted. Specific consideration was given to design and material use as mitigation measures regarding the proposed padel courts, addressed in more detail in Par. 5.5.9 below.

5.5.8 Impact on External Engineering Services

Civil Engineering Services Report:

A Civil Engineering Services Report (see **Annexure W**) was prepared by EKCON (Pty) Ltd for Virgin Active SA. The report assessed the existing municipal water, sewer and stormwater infrastructure serving the site and

confirmed whether the available services can support the demands of the proposed development. A separate Stormwater Management Plan (P3873-C-REP-002) was prepared by EKCON in support of the application. The reports are based on the Site Development Plan for the consolidated site.

The following is a brief overview of the report:

- Roads, Access and Parking Areas:

    - External Roads and Access: Access to the facility is obtained from the existing entrance to the Constantia Sports Centre precinct on Constantia Main Road, at the intersection of Constantia Main Road and Brommersvlei Road. From this entrance an unnamed internal access road serves the facilities within the Constantia Sports Centre. No new access onto the surrounding road network is created. A Traffic Impact Statement prepared by EFG Engineers addresses the parking and access implications of the proposal and is summarised in Section 5.5.11.

    - Internal Roads and Parking Areas: The revised parking layout introduces three padel courts on a portion of the existing parking area and provides replacement and additional parking within the precinct, together with road widening to maintain two-directional traffic flow. The revised layout is designed to accommodate the parking demand generated by the upgraded facility and the padel courts within the broader sports-ground precinct.

- Stormwater Drainage:

    - External Stormwater Management (see **Annexure X**): The site falls within the Diep River macro-catchment and is classified as a brownfield development with a highly impermeable existing baseline. The site sits on a localised high point with no run-on from neighbouring properties. The Stormwater Management Plan confirms that the redevelopment converts approximately 1 049m² of vehicular asphalt to permeable landscaping, reducing the site-wide water quality volume by 13.2% and keeping the 1:100-year peak discharge essentially unchanged, from 70.7 l/s to 71.5 l/s. The internal stormwater system connects to the existing municipal stormwater infrastructure along Constantia Main Road.

    - Stormwater Quality and SuDS: In line with the City's Management of Urban Stormwater Impacts Policy and following pre-

consultation with the City's Catchment, Stormwater and River Management Department, the design adopts the targeted source interception of vehicular runoff rather than a single site-wide treatment structure. The Department accepted that this is not feasible on the constrained operating site. Two engineered dry swales are provided to treat the 1 022.53m² of vehicular hardstand, sized to achieve the prescribed pollutant reductions of 80% total suspended solids, 50% total phosphorus, 50% total nitrogen and 20% heavy metals. The Stormwater Management Plan is a Rev A report prepared for approval and remains subject to final approval by the City's Catchment, Stormwater and River Management Department.

- Water Reticulation:

    - Municipal Water Network and Connections: The site is served by the existing water supply main in Constantia Main Road. Based on the City's requirements, the development will be provided with separate domestic and fire (hydrant) bulk connections, supplied through a 110mm diameter connection.

    - Water Demand: The Total Average Annual Daily Demand increases from the existing 125.48 kl/day to a proposed 159.59 kl/day, an increase of 34.11 kl/day, with the peak flow increasing from 4.79 l/s to 6.10 l/s. The demand is accommodated by a 110mm diameter supply.

- Sanitation:

    - Municipal Foul Sewer Network: The site connects to the existing 160mm diameter sewer main in Constantia Main Road. The existing sewer connections are utilised for the proposed development.

    - Sewer Flow: The peak dry weather flow for the proposed development is calculated at 1.23 l/s and the instantaneous peak wet weather design flow, incorporating a 15% stormwater ingress allowance, at 1.72 l/s.

Based on the above, the Civil Engineering Services Report concludes that adequate municipal civil engineering services are available in close proximity to support the proposed development, that no adverse impact on the surrounding municipal bulk infrastructure is anticipated and that the development is feasible from a civil engineering perspective. The City of

Cape Town Water and Sanitation Department has confirmed that sufficient water supply and sewer capacity is available to accommodate the proposed development, subject to standard conditions, as set out in its capacity confirmation dated 14 May 2026 (reference 20260421_Z).

Electrical Engineering Services Report:

An Electrical Engineering Services Report (see **Annexure Y**) was prepared by Claassen Auret (Pty) Ltd for the proposed development. The report covers the electrical supply and installation requirements for the upgraded facility. The report's main findings are:

- The existing Virgin Active Constantia facility has an 800 A electrical supply, provided from the City's Bowling substation located on Erf 2980. As no substantial additions to the electrical load are proposed, the existing supply is sufficient and no upgrade is required. The City issued a Confirmation of Capacity letter dated 18 February 2026.
- A total of 726 photovoltaic panels are installed on the facility (492 on roof A and 234 on roof B) which, together with inverters and battery storage, provide the basis of backup power to the facility. No standby generator and no uninterruptible power supply are installed or proposed.
- The electrical installation will comply with the applicable South African National Standards and the by-laws and regulations of the supply authority.
- A fire detection system is anticipated to an L3/M classification, comprising manual call points and an addressable detection system with optical and heat detectors, sounders and strobes as required, to be confirmed by the fire engineer.

Based on the above, the existing electrical supply is adequate for the proposed development and no external supply upgrade or additional allocation is required, limiting the impact of the development on the external electrical engineering network.

5.5.9 Impact on Safety, Health and Wellbeing of the Surrounding Community

Safety considerations in line with the City's Design and Management Guidelines for a Safer City have been incorporated into the design of the facility and the treatment of its public interface, as addressed in Section 5.3.3. The arrangement of the facility, its parking and the adjoining recreational uses within the Constantia Sports Centre supports passive surveillance of the precinct.

In order to ensure any potential impact by the outdoor padel courts regarding noise or light pollution is sufficiently considered and mitigated, the developer has instructed a Noise Impact Assessment (**see Annexure AD**) as well as a Lighting Design Report (**Annexure AE**) to be conducted. In this regard, the following to be highlighted:

Noise Impact Assessment:

- Specific consideration was given regarding potential noise associated with the proposed padel courts, for the surrounding community and will be subject to careful acoustic management., the developer has instructed a Noise Impact Assessment to be conducted (see Annexure xx). The Noise Impact Assessment (NIA) concludes that "*the proposed development of three outdoor padel courts is acoustically acceptable and suitable for approval, provided that the recommended mitigation measures and Noise Management Plan (NMP) are implemented*."

- Measurements at comparable padel courts place play in the order of 65 to 67 dBA. The proposed courts are of glass-and-aluminium construction on a synthetic grass surface, and both the enclosure and the playing surface limit the noise generated and its transmission to surrounding areas. The courts also sit within the established Constantia Sports Centre precinct rather than against a sensitive residential boundary. As indicated, the applicant has undertaken pre-emptive consultation with the surrounding neighbours and the adjoining Constantia Pre-Primary School and sport clubs. Further mitigation, including perimeter screening and the operational management to limit potential noise impacts.

Lighting Design Report:

- External lighting maintains adequate visibility after hours. The court lighting has been designed to limit light spill and glare beyond the playing area, so that adequate on-court illumination is achieved without affecting neighbouring properties.

- The Lighting Design Report recommendations will ensure limited lighting pollution if any. It should also be noted that all the existing sport clubs provides substantial outdoor lighting and the additional lighting intended for the padel courts would have minimal additional lighting affect.

No significant negative impact on the safety, health or wellbeing of the surrounding community is anticipated as a result of the proposed development.

5.5.10 Impact on the Biophysical Environment & Heritage

The site forms part of the established and developed Constantia Sports Centre precinct. The City's spatial data confirms that the site carries no Biodiversity Network designation, no indigenous vegetation, no wetland and no World Heritage overlay. The Stormwater Management Plan confirms that the site lies above any flood line associated with the Diep River corridor. The proposed development does not trigger any Listed Activity under the National Environmental Management Act, 1998 (NEMA) requiring environmental authorisation.

The site falls within the 'Constantia Arcadian' Heritage Audit Area and within the 100m influence zone of Scenic Route 13a (Category S1). No formal protection under Sections 27 or 31 of the National Heritage Resources Act, 1999 (NHRA) applies. The site is not listed on the City's Heritage Inventory and it is not subject to a Heritage Protection Overlay Zone.

The proposed development has been assessed by the project heritage consultant, who confirms that no part of the existing building is older than 60 years, the first portion having been constructed between 1971 and 1980 and the second development in 1986. The only element of the proposal that changes the character of the site is the conversion of a portion of the existing parking area to three padel courts, which is under 5 000m² in extent and confined to a single erf. The heritage consultant accordingly confirms that no action forming part of the proposal triggers the NHRA. A Notice of Intent to Develop or any other application to Heritage Western Cape is thus not required.

The scenic route being a consideration under the Municipal Planning By-law that does not engage heritage legislation. The heritage consultant's confirmation is attached as **Annexure O**. The siting, height, bulk and landscaping of the proposed additions are deemed to have no impact on the scenic route or heritage character of the Constantia valley.

5.5.11 Traffic Impact

A Traffic Impact Statement was prepared by EFG Engineers, dated 4 June 2026, in support of the application (see **Annexure Z**). The TIS records that the proposal increases in GLA from 4 104m² to 4 914m² and introduces three padel courts. The padel courts are located on a portion of the existing

parking area, displacing 47 bays, of which 6 are replaced along the servitude road to the Constantia Pre-Primary. The revised layout results in a loss of 39 bays within the lease area, offset by 17 additional bays provided immediately outside the lease area, giving a net loss of 22 bays. A right of way servitude is maintained over the lease area to provide access to the Constantia Pre-Primary School on Erf 2983.

The Development Management Scheme requires off-street parking at a rate of 7 bays per 100m² of gross leasable area, which at the consolidated gross leasable area of 4 914m² amounts to 344 bays. The consolidated land unit provides 46 bays within the lease area being the new consolidated site. Although 46 bays are provided on site, 6 bays of the 46 bays are to be registered in favour of adjacent Erf 2983 and thus not calculated as part of the off-street parking provision for the development. Off-site parking provision is thus 40 bays, translating to a rate of 1 bay per 100m². A permanent parking departure from 344 bays to 40 bays is therefore required for both the existing and the proposed development.

The TIS assesses parking against a survey of actual demand at the Constantia Sports Centre undertaken during the facility's peak periods on a Tuesday and a Saturday. The survey establishes an existing parking rate of 5.2 bays per 100m² of gross leasable area, below the 7 bays per 100m² prescribed by the Development Management Scheme, and a corresponding demand of 279 bays. This demand is met by the 40 bays within the lease area together with 229 bays in the unreserved precinct parking on the adjacent Erf 442-RE, which is not subject to any exclusive allocation, with no parking on the public road required or relied upon. The Traffic Impact Statement confirms that the demand generated by the upgraded facility and the three padel courts is accommodated within the precinct at its peak period. In terms of Section 142 of the Municipal Planning By-law, 6 disabled parking bays are required for the development, of which 5 are provided close to the Virgin Active entrance and a permanent departure is sought accordingly.

The parking departure is motivated in Section 5.10. The Traffic Impact Statement further finds that the increase in gross leasable area and the three padel courts do not generate a significant increase in vehicle trips and do not warrant a full Traffic Impact Assessment. The proposal retains the existing precinct access on Constantia Main Road and introduces no new access onto the surrounding road network.

The TIS concludes as follow in summary:

- It should be noted that the in terms of the Bylaw the Gym parking requires 7 bays/100 m². In terms of the existing development (4 107 m² GLA) this would require 288 bays and in terms of the proposed development (4 914 m² GLA) this requires 344 bays.
- As motivated by the TIS, a lower context appropriate rate is deemed to be 5.2 bays/100 m² and including additional parking for the Padel Courts (24 bays) the future development will require 279 bays of which 46 will be on site.
- Since only 46 bays (minus 6 bays to be registered in favour of the adjacent site) will be on the new consolidated site and leased area the official departure of 40 bays in lieu of 344 bays (or 1 bay/100m²) is required.
- Based on the findings of the study and in particular the parking survey there is adequate parking available for the increased GLA and 3 Padel courts. On this basis it is recommended that the development be supported.

The proposed development is therefore supported in terms of traffic, access and parking. No adverse traffic impact on the surrounding road network is anticipated.

The above TIS and parking study was based on confirmation from Department Property Management, that no exclusive use parking bays are allocated to the relevant sport clubs in terms of their formal lease agreements. Since the initial LUM application submission, Department Property Management additionally responded that specificate bays within the communal public parking area need to be allocated to the relevant adjacent sport clubs, as recommended by City Recreation and Parks Department. Based on the latter, a further addendum to the TIS was prepared to re-assess the parking availability (see Annexure Z). It was concluded that as per the original TIS and taking into the parking that Recreation and Parks have allocated to the Virgin Active Gym there is still adequate parking available for the increased GLA and 3 Padel courts. On this basis it is still recommended that the development be supported.

5.5.12 The Imposition of Conditions to Mitigate Impact

As with any development and new application, conditions can be imposed by the City of Cape Town to mitigate the impact of the proposed development, should this be deemed necessary. Given the nature of the proposal for additions and alterations to the existing facility within an established precinct, the impact is considered minimal. Standard

conditions relevant to developments of this nature will further mitigate potential impacts but no specific mitigation measures are deemed relevant.

5.6 IMPACT ON EXISTING RIGHTS

5.6.1 Restrictive Title Deed Restrictions

As set out in paragraph 1.4.2 and confirmed by the Conveyancer Certificates (see **Annexure G**), no servitudes or restrictive conditions are registered that are applicable to the properties or will affect the proposed additions and alterations proposed.

5.6.2 Other Impacts

It has been demonstrated above that the development is compatible with the surrounding and adjacent environment and does not adversely affect the rights of the adjoining owners or the other users of the Constantia Sports Centre. The permanent departures are principally a requirement to formalise the existing facility, with additions and alterations now proposed, on the required consolidated site considering the development rules applicable to the proposed zoning as deemed most appropriate to the facility and context.

The revised parking provision relies on the unreserved parking within the Constantia Sports Centre, which is not subject to any exclusive allocation and the Traffic Impact Statement confirms that adequate parking remains available across the precinct at the facility's peak periods. The parking arrangement therefore does not prejudice the existing rights of the other users of the precinct.

The proposed development upgrades an established community amenity and contributes positively to the recreational offering of the Constantia valley. The built form of the additions is sensitive to the existing character of the area and to the adjacent scenic drive (Simon van der Stel Freeway) considering substantial existing trees and vegetation screening along this edge.

5.7 CONSIDERATIONS FOR REZONING

Application is made in terms of Section 42(a) of the City of Cape Town Municipal Planning By-law, 2015, for the rezoning of the consolidated land

unit from Transport Zoning 2 (TR2) and Utility Zoning (UT) to Community Zoning 2 (CO2) (refer to Par 2.1). Section 44 of the By-law provides for the rezoning of land to give effect to approved spatial development frameworks and City policy.

As referred to previously, the rezoning application in question's principle intent is to formalise the existing Virgin Active Gym, together with the proposed additions and alterations as part of the refurbishment of the facility, on a consolidated site in line with the formal lease area with an appropriate zoning.

Community Zoning 2 was deemed the most appropriate zoning to formalise the existing Virgin Active Gym. The latter is in view of the fact that *Place of Assembly* is a primary use defined as "*a place which has a civic function to serve the social and community needs of an area, which may attract people in relatively large numbers, including a civic hall, concert hall, indoor sports centre, gymnasium, sport stadium and club house, but excludes a place of entertainment or conference facility*". Accordingly, the existing gymnasium and directly associated and supplementary are regarded to be accommodated. The existing land use will be retained for the refurbished gym after redevelopment as now intended. All the uses and amenities as part of the gym, as detailed in Par. 4.2, are directly associated and supplementary uses available to members only.

The remainder of the larger Constantia Sports Centre is zoned Open Space Zoning 2 (OS2), being City owned land and leased by a variety of sports clubs not appropriate for the concerned gym. The zoning Open Space Zoning 3 (OS3) is also not ideal since the land use *Open Space* does not include a gymnasium and a further consent is required for *Place of Assembly*. Any Local or General Business Zonings are also not considered appropriate as part of the larger Constantia Sports Centre with its community, recreational and open space function as well as the adjacent pre-school zoned CO1. The CO2 zoning is thus fitting within this local context and with proposed minor building line departures, the development parameters and rules are also deemed appropriate.

5.8 CONSIDERATIONS FOR SUBDIVISION

Application is made in terms of Section 42(d) of the City of Cape Town Municipal Planning By-law, 2015, for the subdivision of the Remainder of Erf 2978 Constantia, creating temporary Erf A of 215m² and temporary Erf B of 190m² (refer to Par 2.2). Section 52 of the By-law governs the approval of subdivision and requires that the application be accompanied by a plan

of subdivision showing the location of the proposed land units and their proposed zonings.

The proposed subdivision is shown on the Proposed Consolidation and Rezoning Plan (**Annexure R**) and reflected by the concerned concept SG diagrams for subdivision and consolidation prepared by the land surveyor (**Annexure Q**), which set out the location and extent of temporary Erf A and temporary Erf B and the Remainder of Erf 2978 that remains after the subdivision.

The subdivision rationalises the cadastral boundaries of the lease area. Two portions of the Remainder of Erf 2978 adjacent the pre-school Erf 2983 (temporary Erf A and temporary Erf B per **Annexure Q**) do not form part of the lease area and requires subdivision to allow the new remainder to be consolidated with Erf 1495. The subdivision is therefore the precondition for the consolidation addressed in the section below.

5.9 CONSIDERATIONS FOR CONSOLIDATION

In terms of Section 99(2)(f) of the City of Cape Town Municipal Planning Amendment By-Law (2025), the following considerations must be addressed with applications for consolidation:

- The scale and design of the development
- The impact on building massing
- The impact on surrounding properties

The two erven subject to this application, being the new Remainder Erf 2978 (after above subdivision) and Erf 1495, Constantia require consolidation to create a single property according to the formal Lease Area and will principally formalise the existing facility and also proposed additions and alterations spanning across the two sites.

The desirability of the development proposal regarding scale, design, building massing and potential impacts on surrounding properties has been addressed and motivated in detail in the preceding sections of this report. The following points are relevant to these considerations:

5.9.1 The scale and design of the development

In terms of scale and design, the proposed upgrade and expansion is consistent and largely retained within the existing bulk building envelope

with minor additions outside the existing footprint and marginal height increase.

5.9.2 The impact of the building massing

The impact of the building massing must be considered in the context of the consolidated land unit of 7 930m² and the modest scale of the proposed additions relative to the existing parameters and permissible parameters in terms of the new proposed zoning.

5.9.3 The impact on surrounding properties

In terms of the impact on surrounding properties, the site is located within an established recreational precinct where the gym and the adjoining sports-club facilities are the dominant uses. The adjoining Constantia Pre-Primary on Erf 2983 is addressed through the retention of the 6m road servitude and the noting of its conditions of approval relating to parking and access. The proposed development does not introduce any incompatible land use and, subject to the noise mitigation measures for the padel courts, does not generate adverse impacts beyond what is typical of an established recreational facility and does not adversely affect the amenity or development potential of any surrounding property.

The consolidation of the two erven is considered appropriate and desirable. It enables the efficient and functional development of a single integrated land unit consistent with the proposed Community Zoning 2 zoning and the established recreational character of the Constantia Sports Centre, without adverse impact on surrounding properties or the broader urban fabric.

5.10 CONSIDERATIONS FOR PERMANENT DEPARTURES

The permanent departures are principally a requirement to formalise the existing facility, with additions and alterations now proposed, on the required consolidated site considering the development rules applicable to the proposed zoning as deemed most appropriate to the facility and context.

The following permanent departures are applied for in terms of Section 42(b) of the City of Cape Town Municipal Planning By-law, 2015 (refer to Par 2.3 and **Table 2**):

5.10.1 Off-Street Parking and Disabled Parking

The parking provision for the facility has been assessed comprehensively by the project traffic engineers, EFG Engineers and is detailed in the Traffic Impact Statement (TIS). The following important considerations are applicable:

- The current actual parking demand was determined based on a detail survey within the larger Constantia Sports Centre during peak usage as well as parking demand during peak usage of specifically the gym.

- The survey established an actual peak parking demand for the gym at a rate of 5.2 bays per 100m². This is viewed against the 7 bays per 100m² prescribed by the DMS. In terms of the existing development of 4 104 m² GLA this would require 288 bays and in terms of the proposed future development of 4 914 m² GLA (including the now proposed additional 810 m² GLA) this requires 344 bays.

- Although the padel courts land use does not official requires parking provision in the DMS, Department Transport enforces a general guideline parking demand of 8 bays per padel court. This means a further 24 bays will be required for the proposed three padel courts which is a total of 279 bays (based on the actual parking demand for the gym at a rate of 5.2 bays per 100m² plus 24 bays for the proposed three padel courts requires a total of 279 bays.

- Since only 46 bays can be provided on-site, a shortfall of 229 bays exist. Based on the current actual peak parking demand within the larger Constantia Sports Centre substantially more than the required bays to account for the balance of 229 bays are available within the larger parking area but specifically in the proximity to the gym (refer to parking zones as determined in the TIS and parking survey – **Annexure Z**). More parking bays are available with the zones further away.

- Furthermore, the existing parking layout is proposed for optimisation that will increase the existing number of parking bays for the precinct while traffic circulation and access to parking areas within the precinct will be improved.

- According to the DMS requirement, a departure is applicable for off-street parking from the 344 bays required (7 bays per 100m² of GLA) to 40 bays provided (1 bay per 100m² GLA). Considering the above motivation as detailed by the TIS, the departure is supported based on the principle that adequate parking is available for the future

development considering increased GLA as well as 24 bays for the padel courts.

- The City's Transport Department, the Urban Mobility Directorate, was consulted by the traffic engineer and the findings and recommendations of the TIS and the proposed parking departure, in principle supported during formal pre-application consultation (see **Annexure P**).

- The DMS requires six disabled parking bays for the facility, of which five are provided. The five bays are located at the entrance where disabled demand is concentrated and are also deemed sufficient to serve the facility. The provision made was also assessed and deem adequate. A permanent departure is therefore also sought fin this regard.

- The departure is consistent with the City of Cape Town Parking Policy (2020). The Policy moves away from the previous approach under which parking minimums were set per land use to ensure ample on-site provision for all demand, towards an approach under which parking supply is managed in response to demand. Policy Principle 3 of the Policy provides that "parking bay provision in an area should be provided proportionately based on evidence of the modal split". Policy Directive 7 directs the City to "periodically review and implement reduced parking requirements to facilitate new development" and records that "as parking provision comes at a financial and land cost, reduced parking requirements in specific situations will support new development" and that "reduced off-street parking requirements should be applied where demand is lower". The parking provision proposed for the facility, based on a survey of actual demand at the site, gives direct effect to this approach.

- The departure does not result in a parking shortfall. The survey confirms that actual demand at the facility is well below the prescribed standard and is accommodated within the surrounding Constantia Sports Centre, with a surplus of parking remaining during the gym's peak period. The facility is not dependent on on-street parking along the surrounding road network. The reduced provision within the lease area reflects the established travel patterns of the facility and avoids the oversupply of parking and the associated land and environmental cost that the Parking Policy seeks to prevent.

The permanent departures from the off-street parking and disabled parking standards of the Development Management Scheme are therefore justified and are supported.

5.10.2 Building Lines

As noted above, the building line departures are only required to formalise the existing building structure on the required consolidated site considering the development rules for the proposed zoning. No additions will be within the building lines applicable. The departures apply per boundary as follows:

- The 3m street boundary building line along the Simon van der Stel Freeway, to 2,1m. The new covered service plant, the existing air conditioner units and the existing water storage tanks with a roof canopy encroach the building line, with the existing canopy the closest to the boundary at 2.1m. Also refer to Section 5.11.1 regarding relaxation of the 5m metropolitan road building line.

- Similarly to the above, the 5m street boundary building line adjacent to a designated metropolitan road (Simon van der Stel Freeway) in terms of the provisions of Item 121(2) of the Development Management Scheme (DMS), to 2,1m. The new covered service plant, the existing air conditioner units and the existing water storage tanks with a roof canopy encroach the building line, with the existing canopy the closest to the boundary at 2.1m.

- The 3m common boundary building line along the northern boundary adjacent Erf 442-RE, to 0m. The internal access route along this boundary is not a formal road and therefor does not create a street boundary and assessed as a common boundary. The barrel-vaulted entrance tunnel, the proposed kiosk and new padel courts encroach the building line, with new padel court 01 the closest to the boundary at 0.19m.

- The 3m common boundary building line along the southern and south eastern boundaries adjacent Erf 2983, to 0m. The lap training pool, poolside seating, existing covered pump room and new padel court 02 encroach the building line, with the existing covered pump room located on the boundary.

The departures apply only to these structures and do not affect any other building on the consolidated site. The northern boundary is internal to the established Constantia Sports Centre and adjoins the shared precinct parking on Erf 442-RE rather than any sensitive use. The covered pump room and the building portions along the pre-school Erf 2983 boundaries are existing structures serving the facility and their retention has no impact and on the adjoining Constantia Pre-Primary School. The encroachments are not visible from the public road and do not affect the amenity or

development potential of the adjoining erven. The departures are regarded as minor and thus supported.

5.11 CONSIDERATIONS FOR AMENDMENT OF APPROVAL CONDITIONS

Application is made in terms of Section 42(j) of the City of Cape Town Municipal Planning By-law, 2015 (MPBL) for the amendment of condition 2.7 of the land use management approval of the adjoining Erf 2983 Constantia (Constantia Pre-Primary) with Case ID 70382871 dated 8 May 2020, to reduce the minimum number of parking bays to be registered over the Remainder of Erf 2980 in favour of Erf 2983 from 16 bays to 6 bays (see **Annexure M**). Refer to Section 5.12 for motivation in this regard and **Annexure AB** for the Consent from Erf 2983.

Condition 2.7 is amended as follows (strikethrough indicates deleted wording and underline indicates new wording): *"In the event that the property is sold, a servitude for right of way and a minimum of ~~16~~ 6 parking bays shall be registered over the portion of Remainder Erf 2978 in favour of Erf 2983 and a servitude for right of way shall be registered over Remainder Erf 442 in favour of Erf 2983 to allow access/egress to/from Constantia Main Road*."

It should be noted that some of the previous 16 parking bays are located on the pan-handle portion of existing Erf 2978-R located between the pre-school Erf 2983 to the east and Erf 1468 to the west. This portion does not form part of the consolidated site or lease area. Also, it was assessed by the TIS and supported by Department Transport, that revised 6 bays on the new consolidated site near the school entrance together with the existing parking provision on the school site, is sufficient for the school parking demand. This was agreed to between City Property Management Department (that will amend the lease condition accordingly) and the Constantia Pre-Primary School.

Note that the condition regarding the existing right of way servitude to the school will be retained across the new consolidated site but slightly rerouted as reflected by the SDP, to accommodate existing trees required to be retained.

6.0 CONCLUSION & RECOMMENDATION

This report has demonstrated that the application is appropriate, policy aligned and desirable in the context of the established Constantia Sports Centre precinct and the City of Cape Town legislative planning framework. In summary, the application demonstrates that:

- The existing Virgin Active Constantia Gym is located on Erven 2978-RE & 1495 Constantia. The site is located within the Constantia Sports Centre precinct being owned by the City of Cape Town. The earliest Virgin Active gym building was constructed and in operation as a gym, estimated between 1971 and 1980 based on a formal lease agreement.

- Additions and alterations are envisaged as part of an intended refurbishment of the existing Virgin Active Constantia Gym. The proposal reinforces the recreational and landscape-led character of the Constantia Sports Precinct. It is proposed to increase the GLA of the facility from 4104m² to 4914m², an increase of 810m², a minor coverage increase from 44% to 45% and a floor factor increase from 0.52 to 0.62 and maximum height increase from 7m to 10,4m. The proposal also include the addition of three padel courts on a portion of the existing parking area and the parking layout is revised across the precinct to accommodate the change.

- Since the current zoning of the land does not permit the existing facility, it was confirmed by City that relevant LUM approvals need to be obtained prior to submission and approval of buildings plans for the proposed additions. The facility operates without the required land use approval since Virgin Active was never aware that the gym is deemed an unauthorised land-use and was never previously advised to obtain approvals especially in view of a formal lease agreement with the City.

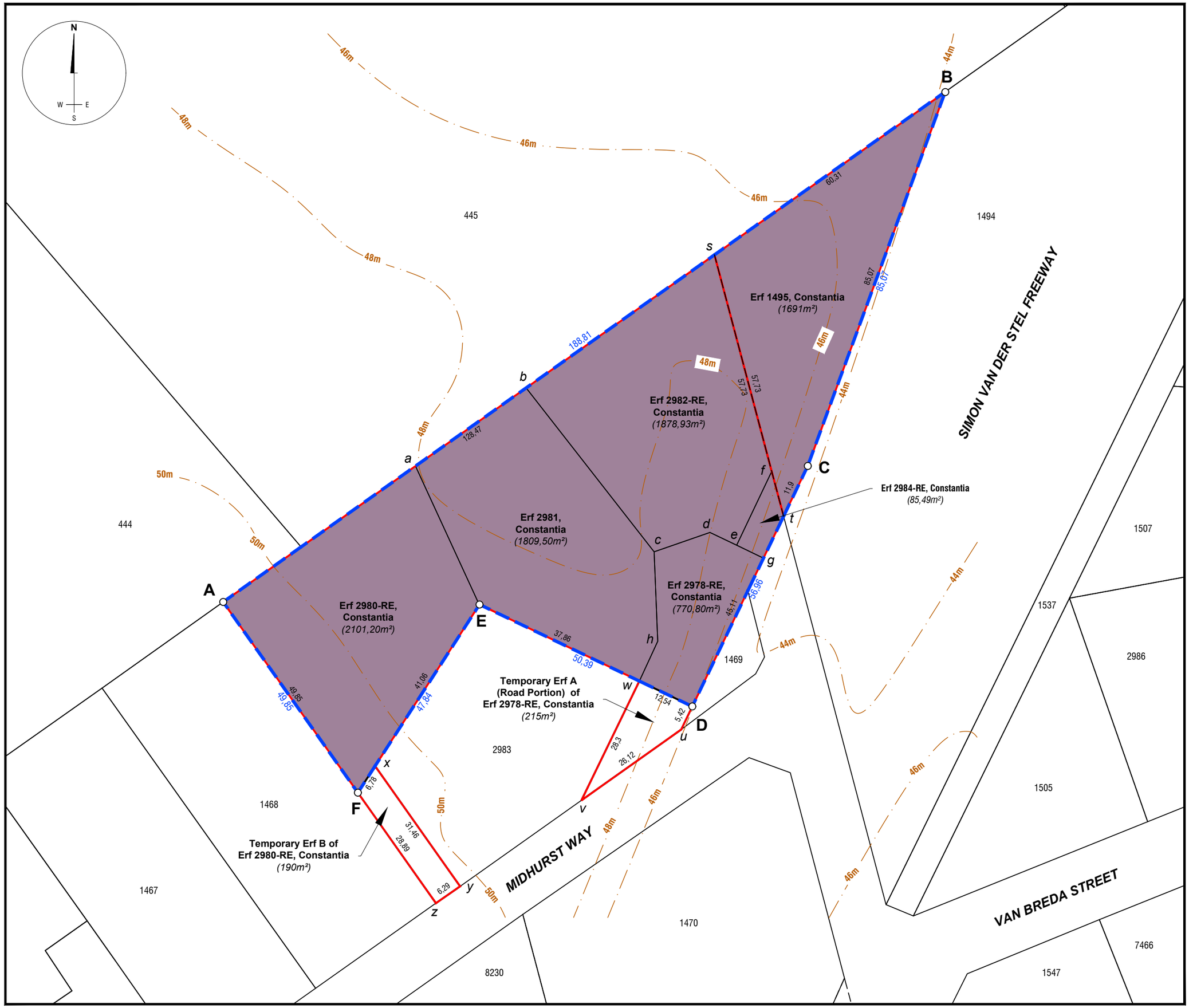
- The application in question's principle intent is thus to formalise the existing Virgin Active Gym, together with the proposed additions and alterations as part of the refurbishment of the facility, on a consolidated site in line with the formal lease area with an appropriate zoning. Relevant approvals for rezoning, subdivision, consolidation, departures and amendment of approval conditions are thus applicable and the subject of this application.

- A rezoning and consolidation application for the site was previously submitted by Virgin Active on 16 January 2025 that was deemed incomplete by the City.

- An Administrative Penalty Application (Case ID 1500163158) has been submitted separately given the unauthorised existing land use.

- To ensure the appropriateness and desirability of the development proposal, various assessments were conducted including investigations regarding bulk infrastructure, provision of services and stormwater management and traffic impact. The development is deemed to be desirable and compatible with its location and consistent with the City's vision, Spatial Development Frameworks, in particular the Southern District Plan. and other planning, land use and development policies and legislation.

Given the above conclusion, it is recommended that this application be considered for approval based on the merits thereof as demonstrated in detail by the application report and supporting annexures.



REVISION HISTORY:

Rev A: Proposed subdivision and consolidation of RE Erf 2978 and Erf 1495, Constantia.
Rev B: Addition of underlying land portions

NOTES:

- All distances and areas are provisional and are to be verified by cadastral survey.
- Figure A*a*E*xyz*A represents Erf 2980-RE, Constantia (2101,20m²) zoned Utility Zoning.
- Figure *abchw*E*a* represents Erf 2981, Constantia (1809,50m²) zoned Utility Zoning.
- Figure *bsfedcb* represents Erf 2982-RE, Constantia (1878,93m²) zoned Utility Zoning.
- Figure *eftge* represents Erf 2984-RE, Constantia (85,49m²) zoned Utility Zoning.
- Figure *cdeguvhc* represents Erf 2978-RE, Constantia (770m²) zoned Transport 2 Zoning.
- Figure *s*BC*ts* represents Erf 1495, Constantia (1691m²) zoned Utility Zoning.
- Line Dw represents the proposed subdivision line being subdivided from Erf 2978-RE, Constantia to create temporary Erf A (road portion) of 215m².
- Line xF represents the proposed subdivision line being subdivided from Erf 2980-RE, Constantia to create temporary Erf B of 190m².
- Figure ABCDEFA represents proposed new consolidated Erf comprising of Erven 2980-RE, 2981, 2982-RE, 2984-RE, 2978-RE (street portion proposed for closure) and Erf 1495 Constantia, zoned Community Zoning 2 with a total size of 7930m².

- Community Zoning 2 (7930m²)
- Proposed Consolidation
- 2m Interval Contour (As per City Ground Level Map)

TITLE:

PROPOSED SUBDIVISION AND CONSOLIDATION PLAN

SCALE: 1 : 300 (A3)

0 3 6 9 12 15m

PROPERTY DESCRIPTION:

REMAINDER ERF 2978 AND ERF 1945, CONSTANTIA

PROJECT DETAILS:

Project Name:	Virgin Active Constantia
Project No:	C131
Client:	Virgin Active South Africa
Municipality:	City of Cape Town Municipality
Administration:	Southern District

PLAN DETAILS:

Plan No:	C131-001
Revision:	**B**
Date:	2026-09-08
Drawn by:	LK
Checked by:	AR

LMV Cape

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